

Washington, Wednesday, July 23, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MAR-KETING SERVICE

PART 34—REGULATIONS UNDER THE TO-BACCO SEED AND PLANT EXPORTATION ACT

By virtue of the authority vested in the Secretary of Agriculture by the Tobacco Seed and Plant Exportation Act (54 Stat. 231), I, Grover B. Hill, Acting Secretary of Agriculture, do prescribe and promulgate the following regulations under said Act, to be in force and effect immediately. These regulations are a revision of and shall supersede the regulations approved on September 26, 1940. (7 CFR §§ 34.1–34.10)

ADMINISTRATION

§ 34.1 Chief of Service. The chief of the Agricultural Marketing Service is charged with the administration of the provisions of this Act and the regulations in this part.*

PERMITS

§ 34.2 Permit required. No tobacco seed or live tobacco plants may be exported from the United States or any Territory subject to the jurisdiction thereof to any foreign country, port, or place unless such exportation and/or transportation shall have been authorized in advance by a written permit of the Secretary of Agriculture countersigned by the Chief or Acting Chief of the Agricultural Marketing Service.*

§ 34.3 Restrictions upon issuance of permits. (a) Permits will be granted only where the evidence indicates that the consignee is a representative of a government institution or an agency engaged in conducting agricultural experiments in the course of scientific research. (b) Quantities permitted to be exported will be restricted to 14 grams or ½ ounce of seed or 500 live plants of any one variety.*

¹5 F.R. 3827

§ 34.4 Method of obtaining permits. Applications for permits shall show the following information:

(a) Name and address of exporter.

(b) Name, official title, address of person to whom the seed or plants are to be consigned, and the institution at which research is to be conducted.

(c) Type and variety of seed or plants.

(d) Nature of experiments to be conducted and objectives sought.

(e) Method of shipment proposed.

(f) Port of exit or post office of mailing.
(g) The intended date of exporta-

§ 34.5 Exceptions. Shipments of tobacco seed or plants originating in a foreign country and entering or leaving a port of the United States in transit through the territory of the United States to a foreign country will not require a permit under the terms of the regulations in this part.*

INSTRUCTIONS TO SHIPPERS

§ 34.6 Marking packages. Packages or parcels containing tobacco seed or plants the exportation of which has been authorized shall be marked "Tobacco Seed and Plant Export Permit No. ——" with the permit number inserted in the blank space.*

§ 34.7 Shipments by mail. The permit must be filed by the consignor with the Postmaster at the office of mailing.*

§ 34.8 Shipments by railway, forry boat or vehicle. The permit must be filed with the Collector of Customs at the port from which the shipment is to be exported.*

§ 34.9 Shipments by scagoing resset or airplane. The permit must be filed with the Collector of Customs at the port of lading on board the exporting vessel or airplane at least 24 hours before such departure; or in the case of shipment by a seagoing vessel, 24 hours before the lading of such vessel.*

DISPOSITION OF USED PERMITS

§ 34.10 Procedure. Permits filed with postmasters and collectors of customs will be stamped or endorsed to show the place and date of filing, and should be mailed to the following address:

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SUBCHAPTER C-REGULATIONS UNDER THE FARM PRODUCTS INSPECTION ACT

ART 55-SAMPLING, GRADING, GRADE LABEL-ING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

By virtue of the authority vested in the Secretary of Agriculture by the provisions n the Act of Congress entitled "An Act naking appropriations for the Departnent of Agriculture for the fiscal year ending June 30, 1942, and for other purposes" approved July 1, 1941 (Public No. 144—77th Congress) authorizing an inspection service on perishable farm products, I, Grover B. Hill, Acting Secretary of Agriculture, do make, prescribe, publish and give public notice of the following rules and regulations to be known as the rules and regulations for sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits, to be in force and effect on and after October 1, 1941; and as long as Congress shall provide the necessary authority therefor, unless amended or superseded by the rules and regulations hereafter prescribed and promulgated under such authority.

The rules and regulations in this part shall supersede the rules and regulations promulgated by the Acting Secretary of Agriculture on September 13, 1932, as amended (Title 7, Chapter I, Part 55 C.F.R.).

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DEFINITIONS

§ 55.1 Meaning of words. Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.*

*§§ 55.1 to 55.65, inclusive, issued under the authority contained in the act of July 1, 1941, Public No. 144, 77th Congress.

§ 55.2 Terms defined. For the purpose of the regulations in this part, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) The Act. The following provisions of an act of Congress entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1942, and for other purposes," approved July 1, 1941 (Public No. 144-77th Congress) or any future act of Congress conferring like authority:

For enabling the Secretary of Agriculture, independently and in cooperation with other

branches of the Government, State agencies, purchasing and consuming organizations, other associations of businessmen or trade organizations, and persons or corporations en-gaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other per-ishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reaconable and as nearly as may be to cover the cost for the service rendered: Provided, That cortificates issued by the authorized exercise. tificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

(b) Secretary. Secretary of Agriculture of the United States.

(c) Chief of Service. The Chief or Acting Chief of the Agricultural Marketing Service.

(d) Person. Individual, association, partnership, or corporation.

(e) Official sampler. Employee of the Department of Agriculture or other person authorized by the Secretary to take official samples of products for grading by an official grader under the act.

(f) Official grader. Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, and condition of products under the act.

(g) Official supervisor of packaging. Employee of the Department of Agriculture or other person authorized by the Secretary to supervise the packaging or grade labeling of products officially graded under the act.

(h) Products. Butter, cheese, eggs, poultry, dressed domestic rabbits and other dairy and poultry products designated by the Chief of Service.

(i) Office of grading. The office of an official grader authorized to grade products under the act.

(j) Sampling certificate. Certificate of official samples of products sampled by an official sampler under the act.

(k) Grading certificate. Certificate of the class, quality, or condition of products issued by an official grader under the act.

(1) Certificate of packaging. Certificate of packaging of products officially graded and labeled with their proper U. S. grade under the act.

(m) Regulations. Rules and regulations of the Secretary under the act.*

ADMINISTRATION

§ 55.3 Authority. The Chief of Service is charged with the administration of the provisions of the act and these regulations in this part and is authorized to issue such instructions as he may deem proper and necessary for the conduct of the service.*

WHERE SERVICE IS RENDERED

§ 55.4 Sampling and grading-Where rendered. Products may be sampled and graded for the purposes of the act at shipping points, terminal markets and other places whenever an official sampler or official grader is available.

(a) Designated markets. The following are hereby designated as important central markets at which products may be sampled and graded under the act:

Portland, Oreg. Chicago. St. Louis. Los Angeles. San Francisco. New York. Seattle. Philadelphia. Washington.

Sampling and grading may also be conducted at other points approved by the Chief of Service.

§ 55.5 Supervision of packaging and grade labeling. Products may be supervised for packaging and grade labeling at points where the products are sampled or graded and at all points where an official supervisor of packaging is available.*

SAMPLING AND GRADING SERVICES

\$55.6 Kind of grading. Grading may be made for class, quality, or condition.*

§ 55.7 Who may obtain sampling and grading. Application for sampling or grading may be made by any financially interested person or his authorized agent including Federal, State, County and Municipal governments and common carriers.*

§ 55.8 How sampling and grading may be obtained. Application for sampling and grading may be made orally, in writing, by telegraph, telephone, or otherwise. Application for sampling may be filed with an official sampler. Application for grading may be filed in the office of grading or with any authorized grader at or nearest the place where the grading is desired. If made orally the official sampler or grader may require that the application be confirmed in writing.*

§ 55.9 Form of application. An application for sampling or grading a specified lot of product, when required by the sampler or grader, shall include the following information, or such part of it as may be applicable, as the official sampler or grader may require: (a) The date of application; (b) the identifica-tion and location of the product to be sampled or graded; (c) the name and post office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant in the product; (e) the name, post-office address, and interest of other parties, except carriers, in the product involved; (f) the shipping point and destination of the product; (g) the purpose of the sampling or grading; and (h) such other information as may be necessary for proper identification of the product or as may be required by the official sampler or grader or the Chief

of Service. Applications for contract sampling, grading, and supervision of packaging services may be in such form and contain such provisions as the Chief of Service approves.*

§ 55.10 Filing of application. An application for sampling or grading a specified lot of product shall be regarded as filed only when received by an officer or in a proper office of the Agricultural Marketing Service.*

§ 55.11 When application may be rejected. An application may be rejected by the official sampler or official grader in charge of the office of the Agricultural Marketing Service in which it is filed, for noncompliance with the act or any regulation thereunder, and the official sampler or grader shall immediately notify the applicant of the reasons for such rejection.*

§ 55.12 When application may be withdrawn. An application may be withdrawn by the applicant at any time before the service is performed, upon payment of any expenses incurred by the service in connection with the application.*

§ 55.13 Authority of agent. Proof of the authority of any person applying for sampling or grading on behalf of another may be required in the discretion of the official sampler or grader.*

§ 55.14 Accessibility and condition of products. The applicant shall make the products for which sampling or grading is requested accessible for sampling or grading and to be so placed as to disclose their quality and condition. Samples of the products drawn for examination shall be graded only under such conditions as will permit a true and correct determination to be made of their class, quality, or condition.*

§ 55.15 Disposition of samples. Samples that have been graded may be returned to the applicant at his expense or disposed of in such manner as the Chief of Service may approve.*

§ 55.16 Basis of service. Grading for class, quality, or condition shall be based upon official or tentative standards of the United States Department of Agriculture or such other standards or specifications as may be approved by the Chief of Service or are adopted by the Federal Specifications Board, and the sampling and grading of products and supervision of packaging and grade labeling shall be in accordance with instructions of the Chief of Service.*

§ 55.17 Order of sampling and grading. Sampling and grading of products shall be conducted as far as practicable in the order in which applications are received, except that precedence may be given to applications made by a branch of the Federal Government, or by a State or a municipality.*

§ 55.18 Certificate, form. Sampling, grading or packaging certificates shall be issued on forms approved by the Chief of Service.*

§ 55.19 Certificates, issuance. A separate certificate shall be issued for each

lot of product; except that when grading is made to determine compliance with contract specifications, compliance or non-compliance may be indicated by an official stamp or mark placed by the official grader on the product or container. The official supervisor of packaging shall sign and issue a certificate covering each and every lot of products packaged and grade labeled under his supervision.*

§ 55.20 Disposition of certificates. The original certificate and one copy, if requested, shall be immediately sent to the applicant or his designated representative. One copy shall be filed in the issuing office and the other copies filed in such manner as the Chief of Service may approve. Additional copies of certificates of grading will be supplied to financially interested persons as provided in § 55.41.*

§ 55.21 Advance information. Upon request of an applicant all or any part of the contents of the certificate of grading may be telegraphed or telephoned to him at his expense.*

APPEAL GRADING

§ 55.22 When appeal may be requested. An application for appeal grading may be made whenever any financially interested party is dissatisfied with the findings in the original or regrading certificate: provided the application is made within 24 hours following the hour of the original grading and the identity of the samples or products has not been lost, except that in the event of unusual conditions, the 24 hour period may be extended.*

§ 55.23 How to obtain appeal grading. Appeal grading may be obtained by filing a request with (a) any official sampler or any official grader, (b) a supervising official grader, or (c) the Chief of Service. The application shall state reasons and should be accompanied by a copy of any previous grading certificate, or any other information regarding the product at the time of the original grading. Such application may be made orally, in writing, by telegraph or telephone. If made orally, the official receiving the application may require that it be confirmed in writing,*

§ 55.24 Record of filing time. A record showing the date and time of filing such application shall be made by the receiving office.*

§ 55.25 When appeal may be refused. If it appears that the reasons for appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone material change since the last grading, or the identical products cannot be made accessible for grading or the act or these regulations have not been complied with, the appeal may be refused and the applicant shall be promptly notified of the reason for such refusal, and a statement of such action shall be included in the record of such application.*

§ 55.26 When appeal may be with-drawn. An application for appeal grad-

ing may be withdrawn by the applicant at any time before the appeal grading is done, upon payment of any expense incurred by the Agricultural Marketing Service in connection with the application.*

§ 55.27 New gradings or regradings. Gradings requested to determine the class, quality or condition of products which have been previously graded, shall be considered as regradings unless the applicant questions the correctness of the last previous certificate issued on the product. If the application for an appeal grading is refused or the personnel for the making of an appeal grading is not available, an application for a regrading may be made.*

§ 55.28 Order in which made. Appeal grading shall be performed as far as practicable at the time requested by applicant and in the order in which applications are received.*

§ 55.29 Who shall pass upon appeals. Applications for appeal grading shall be passed upon by official graders designated for the purpose by the Chief of Service, and such gradings shall be conducted jointly by two official graders when practicable. No official grader shall pass upon an application for appeal grading which involves the correctness of a certificate issued by him.*

§ 55.30 Appeal findings. The official grader making an appeal grading shall sign and issue an appeal grading certificate, which shall supersede and refer specifically to the original grading certificate from which the appeal was taken, and state the quality or condition of products, as determined by the appeal grading. The provisions of §§ 55.6 to 55.21 inclusive, shall apply to appeal grading certificates, except that copies of the appeal grading certificates shall be sent to known interested parties.*

§ 55.31 Superseded certificate. When a grading certificate is superseded by an appeal grading certificate or a regrading certificate, the grading certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the lot of described products. If the original and all copies of the superseded certificate are not delivered to the person receiving the application for regrading or appeal grading, the officer issuing the superseding certificate shall notify such persons as he considers necessary to prevent fraudulent use of the canceled certificate.*

LICENSED OFFICIAL SAMPLERS, GRADERS AND SUPERVISORS OF PACKAGING

§ 55.32 Who may be licensed. Persons showing proper qualifications may be licensed by the Secretary as official samplers, official graders, or as official supervisors of packaging. All licenses shall be countersigned by the Officer in Charge of the Dairy and Poultry Division in the Agricultural Marketing Service, the Specialist in grading in that division, or by the Supervising Grader under whose direction a licensee is to work; and

unless the licensee is a Federal or State employee, as a condition to the granting of the license, he shall procure at his own expense and deliver to the Agricultural Marketing Service, United States Department of Agriculture a surety bond in the amount of \$1,000 as surety for the proper performance of duty as a licensee under the Act.*

§ 55.33 Limited license may be issued. Persons showing proper qualifications may be issued limited licenses by the Secretary to candle or grade eggs that are purchased from producers on the basis of the official U.S. standards for eggs or that are to be delivered on contracts to a municipality, State or branch of the Federal Government or that are to be packaged with certificates of quality or grade labels authorized by these regulations in this part; Provided, however, That limited licensed graders shall not have authority to issue grading certificates, and eggs graded by them shall be subject to check grading by an official grader. All licenses shall be countersigned by the Officer in Charge of Dairy and Poultry Division in the Agricultural Marketing Service, the Specialist in grading in that division or by the Supervising Grader under whose direction a licensee is to work.*

§ 55.34 Suspension of license. Any license may be suspended, pending final action by the Secretary, by the Chief of Service, or by an official authorized to countersign the license whenever such official considers such action to be for the good of the service. Within seven days after suspension, the licensee may file an appeal in writing to the Secretary, supported by any argument or evidence that he may wish to offer. If the license should be revoked by the Secretary, it shall immediately be surrendered to the supervising official.*

FEES AND CHARGES

§ 55.35 Basis for charges. Fees and charges for sampling, grading, regrading and supervising of packaging, grade labeling or other work shall be based upon the actual time required to render the service, including the time required for travel of the official sampler, grader, or supervisor of packaging between his office or point of previous duty and the place of service, at the rate of \$1.00 per hour for each official sampler or official supervisor of packaging and \$2.00 per hour for each official grader, or at the rate specified in §§ 55.36 to 55.40, inclusive, unless otherwise provided by contract with the applicant or by supplemental schedules approved by the Chief of Service. An additional fee of \$3.00 shall be charged when the sampling or grading is made in a freight or express car or other place where the entire lot of product is not readily accessible to the official sampler or official grader.*

§ 55.36 Butter and cheese grading fees. For each lot of butter or cheese

graded or regraded for class, quality or condition, pursuant to the regulations in this part, the fee shall be on the basis of the approximate net weight or on the number of churnings or vats of butter or cheese in such lots, as follows:

(a) When each separate churning or vat is not indicated by number or otherwise on the packages—

For 500 pounds or less For 501 pounds to 1,500 pounds, inclu-	\$1.00
sive	1.50
For 1,501 pounds to 3,000 pounds, in-	2, 25
For 3,001 pounds to 6,000 pounds, in- clusive	3.00
For 6,001 pounds to 10,000 pounds, in-	
For each additional 10,000 pounds or	3.75
fraction thereof beyond 10,000	
pounds an additional charge of	.75

(b) When each separate churning or vat is indicated by number or otherwise on the packages—

For 5 or less churnings or vats	\$1.50
For each additional churning or vat	
beyond 5 an additional charge of	.20
For a lot of 18,000 pounds or more the	
minimum charge shall be	4.00

§ 55.37 Egg grading and inspection fees. For each lot of eggs graded or regraded for class, quality, or condition, or inspected for condition, pursuant to the regulations in this part, the fees shall be based on the gross number of packages in each lot, as follows:

(a) For shell eggs:

For 2 packages or less	69.50
For 3 to 15 packages, inclusive	1.00
For 16 to 25 packages, inclusive	1.E0
For 26 to 50 packages, inclusive	2.25
For 51 to 100 packages, inclusive	3.00
For 101 to 200 packages, inclusive	4.00
For 201 to 350 packages, inclusive	5.00
For 351 to 550 packages, inclusive	6.00
For additional 100 packages or fraction	
thereof an additional charge of	1.00

(b) For frozen eggs:

(1) When the warehouse in which the eggs are located is within reasonably easy access from the office of inspection and assistance is furnished in opening and closing cans and making the samples ready for examination—

(2) When the warehouse at which the eggs are located is not within reasonably easy access from the office of inspection or when assistance is not furnished in opening and closing cans and making the samples ready for examination, charges in addition to those specified in (1) may be made to cover the additional time spent in traveling to and from the warehouse and in preparing the samples for examination, at the rate of \$2.00 per hour.*

§ 55.38 Dressed poultry and dressed domestic rabbits grading fees. For each lot of dressed poultry or dressed domestic rabbits graded or regraded for class, quality, and condition, the fee shall be on

the basis of the approximate net weight of the lot, as follows:

For 50 pounds or less	\$9,50
For 51 pounds to 500 pounds, inclu-	1.60
For 591 pounds to 1,500 pounds, inclusive	1.50
For 1,501 pounds to 3,000 pounds,	
inclusive	2.00
inclusive	4.00
inclusive	6.00
For 20,001 pounds to 30,000 pounds, inclusive	8, 60
***************************************	0.00

\$55.39 Fees for grading official samples. For each lot of official samples of butter, cheese, eggs, dressed poultry, dressed domestic rabbits, or other dairy and poultry products graded, the fee may be based on the actual time required at the rate of \$2.00 per hour with a minimum charge of \$1.00 for any lot.*

§ 55.40 Fees for appeal grading. Fees for appeal gradings shall be double those for original gradings, except that no fee shall be charged when it is found that there was a material error in the certificate from which the appeal was taken. Appeal gradings for Government agencies shall be at actual cost.*

§ 55.41 Fees for copies of grading certificates. Copies of certificates of grading other than those provided in § 55.20 may be supplied to financially interested persons upon payment of a fee of \$1.00 for each set of four or a smaller number of copies of a grading certificate.*

§ 55.42 Fees under cooperative agreements. Fees charged for sampling, grading, labeling, or other work conducted under a cooperative agreement shall be those provided for by the agreement.*

§ 55.43 Traveling expenses, etc. Charges may be made to cover the cost of traveling and other expenses incurred in connection with the sampling, grading, appeal grading, supervising of packaging or grade labeling of products.*

§ 55.44 How fees shall be paid. Fees and other charges shall be paid by the applicant in accordance with the direction on the fee bill, or in advance when required by the official sampler, grader, or supervisor of packaging.

§ 55.45 Disposition of fees. Fees covered by §§ 55.35 to 55.44 shall be disposed of as follows:

(a) Fees payable for work performed by an official sampler, grader, or supervisor of packaging, acting exclusively for the Agricultural Marketing Service, shall be remitted promptly to the Service.

(b) Fees payable to a licensed sampler, grader or supervisor of packaging acting exclusively for the Agricultural Marketing Service, less the percentage allowed him by the terms of his contract shall be remitted to the Agricultural Marketing Service.

(c) Fees for sampling, grading, supervision of packaging or grade labeling of products or other work conducted under a cooperative agreement with a State or other organization or agency shall be

disposed of in accordance with the terms of the agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be promptly remitted to the Service.

(d) Remittances made to the Agricultural Marketing Service shall be by check, post office draft or money order made payable to the "Treasurer, United States." *

CERTIFICATES OF QUALITY AND GRADE LABELS

§ 55.45 Grade labeling of products. An official sampler, grader or supervisor of packaging may stamp, tag, or label or supervise the stamping, tagging, or labeling of each unit or package of product in any lot of officially graded product with the class, quality or grade, determined by an official grader. The stamps, tags, labels, packing materials, or grade marks used for such purpose shall have the approval of the Chief of Service or an officially designated officer and shall indicate that the product has been officially graded or Federal-State graded, and shall state the class, quality or grade of the product, and when required by these regulations shall also state the date of grading and the number of the grading certificate issued on the product. Eggs shall not be packaged with certificates of quality or grade labels unless they have been candled and graded by limited licensed graders and check graded by official graders or candled and graded by official graders.

The use by any person of a facsimile form which simulates in whole or in part, an authorized or approved form of a certificate of quality, grade label, grade tag, or other official grade mark for the purpose of purporting to evidence the $\bar{\mathbf{U}}.$ S. grade of a product; or the use of the words "Government graded," "officially graded," "Federal-State graded," or other words of a similar import in the labeling or advertising of a product without stating in conjunction therewith the official U. S. grade of the product; or the use of these words or an official grade mark in the labeling or advertising of a product that has not been officially graded, except when used to comply with a State law or a State or municipal regulation, may be deemed sufficient cause for debarring from any further benefits of the Act the person found guilty thereof, after opportunity for hearing has been accorded him, and pending investigation and hearing the Chief of Service may without hearing direct that such person shall be denied the benefits of the Act.*

§ 55.47 Authorized use and form of certificates of quality. An applicant for grading, or a distributor of butter, cheese, or eggs, whose products have been graded by an official grader, may use certificates of quality of substantially the following forms:

(a) For butter and cheese.

CERTIFICATE OF QUALITY ISSUED BY AUTHORITY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE

This is to certify that the butter (or cheese) in this package was graded by an

official grader, and that the date of grading and number of the grading certificate issued are stamped or perforated hereon and that the quality at time of grading was: U. S. 93 score (or U. S. 92 score.)

93 score (or U.S. 92 score.)
Packed by (or distributed by)

(Name of firm or applicant)

(Address)

(b) For eggs.

CERTIFICATE OF QUALITY ISSUED BY AUTHORITY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE

This is to certify that the eggs in this package were graded by an official grader, and that the date of grading and number of the grading certificate issued are stamped hereon and that the quality at time of grading was U.S. Specials—Retail Grade AA—Large (or Medium), (or U.S. Extras—Retail Grade A—Large) (or Medium or Small).

Packed by (or distributed by)

(Name of firm or applicant)

(Address)

§ 55.48 Use of certificates of quality limited to products of high quality. Authorization to use certificates of quality shall be limited to butter that is officially graded not lower than U. S. 92 score, to cheese that is officially graded not lower than U. S. 92 score, and to eggs that are officially graded not lower than U. S. Extras, Retail Grade A. The certificate of quality may be used as an insert in packages of butter and cheese or may be printed on the wrapper.*

§ 55.49 Authorized use and form of grade labels for eggs. An applicant for grading or a distributor of eggs graded by an official grader, when the official U. S. grade of the eggs is U. S. Standards, Retail Grade B, may be authorized to use grade labels of substantially the following form, the words "Retail Grade B" being required on each grade label.

U. S. Government
Graded and Dated
U. S. Standards—Large (or Medium or Small)
Retail Grade B, when Graded
Date and Certificate Number
Packed by (or distributed by)

(Name of Firm or Applicant)

(Address)

§ 55.50 Information required on certificates of quality, grade labels, and approved seals and how they may be used. When butter and cheese are packaged under certificates of quality, the date of grading and the number of the grading certificate issued on the product shall be stamped or perforated on the certificate of quality, wrapper or carton and may be in code, provided proper explanation thereof is made on the certificate of quality. When eggs are packaged under certificates of quality or grade labels, the date of grading and number of the grading certificate must be stamped on the certificate of quality or grade label unless approval is given to the placing of this information and the grade and size of the eggs on the carton or seal. The certificate of quality or grade label must be used to seal the carton in which the eggs are packed unless the carton is of a type that does not require a seal or an approved seal is used, which shows the date of U. S. grading and certificate number, in which event the certificate of quality or grade label may be printed on the carton. The name and address of the packer or distributor may be omitted from the certificate of quality or grade label used on eggs when his name and address is plainly and conspicuously stated on the carton.*

§ 55.51 Time limit for packaging products under certificates of quality or grade labels. The time limit within which butter, cheese and eggs may be packaged with certificates of quality or grade labels after official grading is as follows:

Butter and cheese_____ 7 days. Eggs (in shell)______ 3 days.

§ 55.52 Authority to use certificates of quality and grade labels limited. Authority to use certificates of quality or grade labels, as provided for in §§ 55.46 to 55.52, shall be granted only to applicants for grading or to distributors of butter, cheese, or eggs, whose written application for the privilege is approved by the Chief of Service or officially designated officers.*

§ 55.53 Service of supervisor of packaging required: Duties indicated. Authority to use certificates of quality or grade labels, as provided for in §§ 55.48 to 55.52, shall be granted only to applicants who provide for the printing and packaging of the butter and the packaging of the eggs with certificates of quality or grade labels to be done under the supervision of an official supervisor of packaging. The supervisor of packaging shall have custody of all supplies of packaging materials including all certificates of quality and grade labels used in the packaging of officially graded products in the plant in which he is employed or assigned for duty. He shall keep a complete and detailed record of all new supplies of such materials received and the supplies used in the packaging of the products and of the product packaged in such materials, and maintain such supervision and perform such duties in connection with the packaging and labeling of the products with certificates of quality or grade labels as may be required by the regulations in this part and such instructions as may be issued by the Chief of Service.*

§ 55.54 Keeping-quality cabinets for butter samples required. Each applicant for the privilege of issuing certificates of quality or for the packaging of butter under certificates of quality shall, when required by the Chief of Service, provide and maintain a keeping-quality cabinet of suitable construction and condition in which samples of butter taken from lots officially graded and certified for packaging with certificates of quality may be kept for subsequent examination by an official grader to determine the keeping quality of the butter from which the samples were taken. Also suitable facilities for the proper cleaning and

sterilization of equipment shall be provided.*

§ 55.55 Butter of known poor keeping quality shall not be certified for packaging with certificates of quality. When it is known to the official grader that the butter tendered for grading and certification is the product of a creamery producing butter of poor keeping quality as shown by the results of incubation tests made in a keeping-quality cabinet within 60 days prior thereto, he shall not certify the butter for packaging with certificates of quality until it is determined that butter subsequently manufactured by the creamery possessed satisfactory keeping quality, as set forth in specifications approved by the Chief of Service.*

§ 55.56 Packing and packaging room must be clean and sanitary. Each applicant granted the privilege of issuing certificates of quality or grade labels or the privilege of packaging products under certificates of quality or grade labels who operates, for such purpose, a butter printing and packaging room or an egg candling, grading, and packaging room shall maintain the room in a clean and sanitary condition, and in all respects the room shall comply with specifications approved by the Chief of Service.*

§ 55.57 Cold storage and commercially shell-cleaned eggs must be marked when packaged under certificates of quality. Cold storage eggs and eggs which have been shell-cleaned commercially by use of sand or dry abrasive and eggs which have been commercially washed or otherwise commercially shell-cleaned shall not be certified for packaging under certificates of quality unless the cartons in which they are packaged under certificates of quality are appropriately marked or labeled, with the words "cold storage eggs" or "commercially shell-cleaned eggs" in type no smaller than 18 point, and unless the certificates of quality on the packages are marked with the same wording in type of the same size and prominence as the type used to state the U.S. grade of the eggs.*

§ 55.58 Certificates of quality, grade labels, and other devices for showing grade shall be used only for proper, ethical, and legal purposes. The purpose of approved certificates of quality, grade labels, grade tags, and other grade marks on the packing materials or wrappers. or on the officially graded product is to evidence the fact that the product was graded by an official grader and that it was, at the time it was graded, of the quality stated by the certificate of quality, grade labels, or grade tag or by the U.S. grade mark on the product, packing materials or package. Approval of the use of such certificates, labels, tags, and marks shall be limited to such persons and firms as are applicants for grading or distributors of butter, cheese, eggs, dressed poultry, or dressed domestic rabbits, that have been officially graded, and who use the approved certificates, labels, and other devices solely for such purposes as may be considered proper, ethical, and legal in the advertising and merchandising of the graded products.*

§ 55.59 Authorization to use certificates of quality or grade labels may be withdrawn. The privilege to use certificates of quality, grade labels, grade tags and approved labels or other packing materials which bear the stamp or grade mark of the official grader or the U. S. grade of the product, and to package products with such may be withdrawn by the Chief of Service for disuse or for unethical, deceptive, fraudulent, illegal, or unauthorized use or fallure to comply with the regulations in this part.*

§ 55.60 When drawn poultry and drawn rabbits may be graded. Drawn or eviscerated poultry and domestic rabbits shall not be graded for quality unless the carcasses have been previously inspected and certified for condition and wholesomeness under the Rules and Regulations of the Secretary of Agriculture Governing the Inspection and Certification of Dressed Foultry and Dressed Domestic Rabbits for external condition and of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness: Provided, however, That drawn poultry or drawn domestic rabbits which have not been previously inspected for condition and wholesomeness may be accepted as complying with contract specifications when offered for delivery to agencies, activities, or institutions where the product is to be consumed and will not be offered for public sale.

MIECELLANEOUS

§ 55.61 Fraud or misrepresentation. Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application, the use of a sampling, grading, regrading, or appeal grading certificate or a certificate of quality or a grade label authorized or approved under the regulations in this part, or the use of any official grading stamp, grade tag, grade mark, or approved label, or any willful violation of the regulations in this part or of the supplementary rules and instructions issued by the Chief of Service. may be deemed sufficient cauce for debarring from any further benefits of the Act the person found gullty thereof, after opportunity for hearing has been accorded him, and, pending investigation and hearing, the Chief of Service may, without hearing, direct that such person shall be denied the benefits of the act.*

§ 55.62 Interfering with a grader. Any further benefits of the act may be denied to an applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or any other improper means, a grader in the performance of his duties.*

§ 55.63 Publication. Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Agricultural Mar-

keting Service and in such other media as the Chief of Service may approve for the purpose.•

§ 55.64 Political activity. All official samplers, graders, and supervisors of packaging, authorized by appointment or license to issue sampling, or grading certificates or certificates of packaging, are forbidden during the period of their appointment or license to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees and licensees, including temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section will constitute ground for dismissal in the case of appointees, and revocation of licenses in the case of licensees.*

\$55.65 Identification. All official samplers, graders, supervisors of packaging and limited licensed graders shall have in their possession, or the possession of the supervisor, at all times their license or graders' identification cards and shall identify themselves by such cards on request.*

Done at Washington, D. C., this 19th day of July 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[P. R. Doc. 41-5254; Filed, July 22, 1941; 11:25 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUST-MENT ADMINISTRATION

[General Sugar-Quota Regulations, Series 8, No. 2, Rev. 1]

PART 821-SUGAR QUOTAS

SUGAR CONSULIPTION REQUIREMENTS FOR THE CALENDAR YEAR 1941 FOR THE TERRITORY OF HAWAH AND FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, as amended, I, Paul H. Appleby, Acting Secretary of Agriculture in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

§ 821.231 Revised consumption requirements and quotas.—(a) Revised consumption requirements. It is hereby determined, pursuant to section 203 of the Sugar Act of 1937 (hereinafter referred to as the "act"), as amended, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1941 is 37,065 short tons of sugar, raw value,

and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1941 is 69,052 short tons of sugar, raw value.

(b) Revised local consumption quotas. There are hereby established, pursuant to section 203 of the said act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1941, the following quotas:

Quotas in short tons. raw value Area: Puerto Rico______ 69,052

(Sec. 203, 50 Stat. 905; 7 U.S.C., Supp. V, 1113)

§ 821.232 Restrictions on marketing. For the calendar year 1941, all persons are hereby forbidden, pursuant to section 209 of the said act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the year has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C., Supp. V, 1119)

§ 821.233 Rescission of prior regulations. These regulations (§§ 821.231-821.232) shall supersede General Sugar Quota Regulations, Series 8, No. 2, issued January 16, 1941.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 22d day of July 1941.

[SEAL] PAUL H. APPLEBY, Acting Secretary of Agriculture.

[F. R. Doc. 41-5256; Filed, July 22, 1941; 11:26 a. m.]

TITLE 10-ARMY: WAR DEPARTMENT

CHAPTER III-CLAIMS AND ACCOUNTS

PART 36-CLAIMS AGAINST THE UNITED STATES 1

BURIAL EXPENSES

*

§ 36.50 For whom authorized.

(c) Civilian employees. (1) Civilian employees of the Army or of the War Department who have been ordered by competent authority away from their homes in the United States to foreign countries, Hawaii, the Philippine Islands, Alaska, Puerto Rico, or the Canal Zone, and who die while on duty in such places or while performing authorized travel thereto or therefrom. Act May 17, 1938 (52 Stat. 399); 10 U.S.C. 916b.

(2) Civilian employees of the Army or of the War Department who die on Army transports or while accompanying troops in the field, or who, while on Army transports or while accompanying troops in the field, incur injury or contract disease resulting directly in death away from their homes. Act May 17, 1938 (52 Stat. 399); 10 U.S.C. 916b.

- (3) Any civilian employee (temporary of permanent) of the United States Government who dies as a result of injuries received in the performance of his official duty is entitled to burial at Government expense chargeable to funds made available to the Employees' Compensation Commission. See sec. 11, act September 7, 1916 (39 Stat. 754); sec. 4, act February 12, 1927 (44 Stat. 1087); 5 U.S.C. 761.
- (4) Civilian employees of the War Department who die while traveling on official business within the continental limits of the United States. See act July 8, 1940 (Public, No. 729, 76th Cong.); E. O. 8557, September 30, 1940.
- (5) Civilian employees of the War Department, other than those enumerated above, who die while traveling on official business outside the continental limits of the United States or while on assignment to a post outside the United States. including American citizens hired locally. whose homes in fact are in the continental United States. In addition to preparation and transportation of the remains of these civilian employees, the costs of transportation of dependents of the decedent and of the household effects and other personal property of the decedent and his dependents to his former home or to such other place in the United States and not more distant than the former home of the decedent are authorized. (See § 93.1 for transportation of dependents and AR 30-960 2 for transportation of household effects and personal effects.) See act July 8, 1940, (Public, No. 729, 76th Cong.); E. O. 8557, September 30, 1940.
- (6) Where it is necessary for sanitary reasons to remove the remains of an employee from the grounds on which other employees are located and payment of funeral and burial expenses cannot be effected under the provisions of (1), (2), (3), (4), and (5) above, or where local municipal authorities will not assume custody of the body, the reasonable expenses of a decent burial may be authorized as an incident to the work on which he was engaged. See 11 Comp. Dec. 789. (49 Stat. 1507, 52 Stat. 399, Act July 8. 1940, (Public No. 729, 76th Cong.), 10 U.S.C. 455d, 916b, and 32 U.S.C. 164c) [Par. 2, AR 30-1830, Mar. 1, 1939, as amended by Cir. 135, W. D., July 9, 1941]
- § 36.51 Definition. (a) Burial expenses proper for personnel enumerated in § 36.50 (a), (b), and (c) (1) and (2) will be restricted to-
 - (1) Undertaker's services.
 - (2) Cost of the casket.
- (3) Cost of outside box or shipping case when the remains are shipped.
 - (4) Hire of hearse.
- (c) Burial expenses and transportation for civilian employees enumerated in

* _

1 §§ 36.50 (c) and 36.51 (a) are amended and § 36.51 (c) and (d) are added.
 2 Administrative regulations of the War Department relative to transportation of authorized baggage.

§ 36.50 (c) (4). (1) Preparation of remains, the cost not exceeding \$100, as provided in section 3, part II, Executive Order No. 8557, September 30, 1940 will

- (i) Embalming.
- (ii) Cremation.
- (iii) Necessary clothing.
- (iv) Casket.
- (2) Transportation of the remains to the home or official station of the decedent or to such other place as may be designated as the appropriate place of interment, provided that in no case will the expenses payable be greater than the amount which would have been payable had the place of interment been the home or official station, whichever shall be more distant as provided in section 4. part II, Executive Order No. 8557, September 30, 1940 will include-
- (i) The costs of removal of the remains from the place where death occurred to an undertaking establishment.
- (ii) Procurement of burial and shipping permits.
- (iii) Furnishing an outside case for shipment (including, when necessary, the sealing of such shipping case). No allowance for outside case will be made if conveyance is by hearse.
 - (iv) Removal to a common carrier.
- (v) Transporting body by common carrier. Instead of conveyance by common carrier, removal of the remains overland by hearse (including ferry charges, bridge tolls, and similar items) may be allowed provided that the total charges for transportation will not exceed the total costs of transportation had conveyance been made by common carrier:
- (vi) One removal at the place of interment from the common carrier to an undertaking establishment or other place of immediate delivery.
- (vii) Transportation expenses of an escort for the remains will not be allowed. However, this will not be construed to prohibit the use of an escort of one of the two tickets required to ship the remains as baggage by railroad.
- (d) Burial expenses and transportation for civilian employees enumerated in § 36.50 (c) (5). (1) Preparation of remains as provided in section 6, part III, Executive Order No. 8557, September 30, 1940, will include all the ordinary costs of-
 - (i) Embalming.
 - (ii) Cremation.
 - (iii) Necessary clothing.
- (iv) Casket or container suitable for shipment to the place of interment.
- (v) Any expenses necessarily incurred in complying with local laws and laws at the port of entry in the United States relative to the preparation of dead bodies for transportation and burial.
- (2) Transportation of the remains to the home or official station of the decedent or to such other place as may be designated as the appropriate place of

interment, provided that in no case will the expenses payable be greater than the amount which would have been payable had the place of interment been the home or official station, whichever shall be more distant, as provided in sections 5 and 7, part III, Executive Order No. 8557, September 30, 1940, will include-

- (i) Removal of the remains from place where death occurred to an undertaking establishment.
- (ii) Removal from the undertaking establishment to a common carrier.
- (iii) Transportation by common carrier to the place of interment. The remains may be transported by means other than by common carrier, provided that when conveyance by common carrier is available there will be allowed toward the expense of such other transportation an amount not in excess of the sum allowable had the remains been transported by common carrier.

(iv) One removal at the place of interment from the common carrier.

(v) Transportation expenses of an escort for the remains will not be allowed. However, this will not be construed to prohibit the use by an escort of one of the two tickets required to ship the remains as baggage by railroad. (49 Stat. 1507, 52 Stat. 399, Act July 8, 1940, (Public, No. 729, 76th Cong.), 10 U.S.C., 455d, 916b, and 32 U.S.C. 164c) [Par. 3, AR 30-1830, Mar. 1, 1939, as amended by Cir. 135, W. D., July 9, 1941]

[SEAL]

E. S. ADAMS, Major General, The Adjutant General.

[F. R. Doc. 41-5227, Filed, July 22, 1941; 9:50 a. m.]

CHAPTER VIII-PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81-PROCUREMENT OF MILITARY SUP-PLIES AND ANIMALS 1

§ 81.21a Statutory requirements.

(c) Supply contracts classified as contracts for public work. (1) The act approved April 29, 1941 (Public Law 43-77th Cong.) authorizes the Secretary of War, in order to expedite the national defense, to waive the requirement of mandatory performance and payment bonds, contained in the act of August 24, 1935 (Miller Act) (49 Stat. 793; 40 U.S.C. 270a), with respect to contracts for the manufacturing, producing, fur-

nishing, construction, alteration, repair,

processing, or assembling of vessels, air-

craft, munitions, materiel, or supplies of any kind or nature for the Army, regardless of the terms of such contracts as to payment or title.

- (2) Bond requirements. The following procedure has been prescribed to govern the application of the provisions of the act of April 29, 1941:
- (i) Performance bonds. No performance bond (§ 81.26) shall be required in connection with any supply contract classified as a contract for public work, as indicated in (iii) below, solely because of the provisions of the act of August 24, 1935, but the instructions contained in § 81.26 (a) (1) shall equally apply to such contracts.
- (ii) Payment bonds. No payment bond (§ 81.28) shall be required in connection with any supply contract classified as a contract for public work, as indicated in (iii) below, except that in any case in which the chief of the supply arm or service concerned considers that, because of special circumstances, a payment bond should be required in connection with any such supply contract by reason of provisions for partial payments or otherwise, he will make recommendation to that effect to the Under Secretary of War, accompanied by a statement of facts upon which the recommendation is based, in order that the Under Secretary of War may determine whether such bond should be required. Where a payment bond is required, the invitation for bids or the contract will so indicate. See § 81.10 (a) (6).

(iii) In connection with (i) and (ii) above, the purpose of the act of April 29, 1941, was to give the Secretary of War power to waive the requirements of the Miller Act with respect to performance and payment bonds on certain types of supply contract (i. e., contracts for the manufacturing, producing, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, munitions, materiel, or supplies of any kind or nature for the Army) which also constitute contracts for "public work of the United States" by reason of the fact that title to the work in progress passes to the United States prior to delivery as a result of partial payment provisions or otherwise. (49 Stat. 793; 40 U.S.C. 270a; Act April 29, 1941 (Public Law 43, 77th Cong.)) [Par. 2b, AR 5-220, Aug. 7, 1940 as amended by Proc. Cir. 55, W.D., July 15, 1941]

§ 81.26 Performance bonds—(a) When required—(1) Supply contracts-(i) In general. At the discretion of the chief of arm, service, or bureau concerned, except as provided in (ii) below, performance bonds may be required or waived in special cases, or by general instructions issued to contracting officers, but such bond may not be waived

when it has been stated in an invitation for bids that a performance bond will be required. A performance bond may not be required with respect to contracts let after advertising for bids unless it has been stated in the invitation for bids that it will be required. See § 81.10 (a) (6).

(ii) Negotiated fixed-price-supply contracts of \$500,000 or more. In the case of negotiated fixed-price-supply contracts amounting to \$500,000 or more, before a performance bond is required, the approval of the Under Secretary of War shall be obtained. Whenever the contracting officer shall deem it necessary in a particular case that a performance bond be required, he shall submit to the Under Secretary of War, through the chief of the supply arm or service concerned, a request for permission to require such performance bond together with such information as may be necessary to enable the Under Secretary of War to pass thereon. Such request may be submitted either-

During the negotiations (in which case it may be made by radio or wire if necessary); or

At the time when the request for authority to make the award is submitted.

- (2) Construction, alteration, or repair of public buildings and public work contracts. So much of subparagraph (2) as conflicts with § 81.21a (c) and § 81.26 (a) (1) and (d) is suspended for the time being.
- (d) Amount of penalty; by whom fixed. When, in accordance with (1) above, a performance bond is determined upon as necessary to protect the interest of the United States, the contracting officer will fix the penalty of the bond in the lowest amount which, in the exercise of sound judgment, he shall deem adequate for the protection of the United States, but not less than 5 percent of the full amount of the consideration of the contract unless approved in advance by the Under Secretary of War. (49 Stat. 793; 40 U.S.C. 270a; Act April 29, 1941 (Public Law 43, 77th Cong.)) [Par. 10a and d, AR 5-220, Aug. 7, 1940, as amended by Proc. Cir. 55, W.D., July 15, 1941]
- § 81.28 Payment bonds. (a) So much of paragraph (a) as conflicts with § 81.21a (c) and § 81.26 (a) (1) and (d) is suspended for the time being. (49 Stat. 793; 40 U.S.C. 270a; Act April 29, 1941 (Public Law 43, 77th Cong.)) [Par. 12a, AR 5-220, Aug. 7, 1940, as amended by Proc. Cir. 55, W.D., July 15, 1941]

E. S. Adaeis, Major General, The Adjutant General.

[P. R. Doc. 41-5226; Filed, July 22, 1941; 9:49 a. m.]

^{*§ 81.21}a (c) is added, § 81.26 (a) and (d) is amended, and § 81.28 (a) is suspended to the extent indicated.

TITLE 16-COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3417]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DIESEL ENGINES TRAINING, ET AL.

§ 3.6 (f) Advertising falsely or misleadingly-Demand or business opportunities: § 3.6 (m) Advertising falsely or misleadingly-Jobs and employment service: § 3.6 (ee) Advertising falsely or misleadingly—Terms and conditions: § 3.6 (ff5) Advertising falsely or misleadingly-Undertakings, in general: § 3.69 (b) 2) Misrepresenting oneself and goods-Goods-Demand for or business opportunities: § 3.69 (b) 7.3) Misrepresenting oneself and goods-Goods-Jobs and employment: § 3.69 (b) 16.4) Misrepresenting oneself and goods-Goods-Terms and conditions: § 3.69 (b) 16.6) Misrepresenting oneself and goods-Goods-Undertakings, in general: § 3.72 (g) Offering deceptive inducements to purchase—Job guarantee: § 3.72 (n10) Offering deceptive inducements to purchase—Terms and conditions: § 3.72 (p) Offering deceptive inducements to purchase-Undertakings, in general. In connection with offer, etc., in commerce, of respondents' course of study or instruction on Diesel engines, representing, among other things, as in order set forth (1) that unusual or unprecedented opportunities for employment in the Diesel engine field are available to persons completing respondents' course of study; and (2) that respondents obtain employment for their students upon the completion of their course of study, or that employment is assured or guaranteed to such students; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Engines Training. et al., Docket 3417, June 30, 1941]

§ 3.6 (a) (3) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Business connections or arrangements with others: § 3.6 (a) (11) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Identity: § 3.6 (a) (20) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser-Personnel or staff: § 3.6 (m) Advertising falsely or misleadingly—Jobs and employment service: § 3.6 (ee) Advertising falsely or misleadingly-Terms and conditions: § 3.69 (a) (3.5) Misrepresenting oneself and goods-Business status, advantages or connections-Connections and arrangements with others: § 3.69 (a) (7.4 Misrepresenting oneself and goods-Business status, advantages or connections-Identity: § 3.69 (a) (11) Misrepresenting oneself and goods-Business status, advantages or connections-Personnel or staff: § 3.69 (b) (7.3) Misrepresenting oneself and goods—Goods—Jobs

and employment: § 3.69 (b) (16.4) Misrepresenting oneself and goods-Goods-Terms and conditions: § 3,72 (g) Offering deceptive inducements to purchase-Job guarantee: § 3.72 (n10) Offering deceptive inducements to purchase—Terms and conditions. In connection with offer, etc., in commerce, of respondents' course of study or instruction on Diesel engines, representing, among other things, as in order set forth, (1) that respondents' agents or salesmen are representatives of Diesel engine manufacturers; and (2) that respondents' course of study is offered by or in connection or cooperation with Diesel engine manufacturers, or that employment will be given to respondents' students by such manufacturers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Engines Training, et al., Docket 3417, June 30, 1941]

§ 3.69 (b) (7.3) Misrepresenting oneself and goods-Goods-Jobs and employment: § 3.69 (b) (16.4) Misrepresenting oneself and goods-Goods-Terms and conditions: § 3.69 (b) (16.6) Misrepresenting oneself and goods-Goods-Undertakings, in general: § 3.72 (g) Offering deceptive inducements to purchase—Job guarantee: § 3,72 (n10) Offering deceptive inducements to purchase—Terms and conditions: § 3.72 (p) Offering deceptive inducements to purchase—Undertakings, in general. In connection with offer, etc., in commerce, of respondents' course of study or instruction on Diesel engines, representing, among other things, as in order set forth, that employment will be provided respondents' students while they are pursuing said course of study; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Engines Training, etc., Docket 3417, June 30, 1941]

In the Matter of National Institute, Inc., a Corporation Doing Business Under the Name and Style of Diesel Engines Training, and Clayton R. Hastings, Seth E. Rowdabaugh and John C. Smith, Individually and as Officers of Said Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of the trial examiners upon the evidence and the exceptions thereto, and brief filed by R. A. McOuat, attorney for the Commission (no brief having been filed by respondents and oral argument not having been requested); and the

Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents National Institute, Inc., a corporation, trading as Diesel Engines Training, or trading under any other name, its officers, and Clayton R. Hastings and John C. Smith, individually and as officers of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their course of study or instruction on Diesel engines, do forthwith cease and desist from representing:

(1) That unusual or unprecedented opportunities for employment in the Diesel engine field are available to persons completing respondents' course of study:

(2) That respondents obtain employment for their students upon the completion of respondents' course of study, or that employment is assured or guaranteed to such students;

(3) That respondents' agents or salesmen are representatives of Diesel engine manufacturers:

(4) That respondents' course of study is offered by or in connection or cooperation with Diesel engine manufacturers, or that employment will be given to respondents' students by such manufacturers;

(5) That employment will be provided respondents' students while they are pursuing said course of study.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further-ordered, That this proceeding be, and it hereby is, dismissed as to respondent Seth E. Rowdabaugh. By the Commission.

[SEAL]

Otis B. Johnson, Secretary.

[F. R. Doc. 41-5249; Filed, July 22, 1941; 10:39 a.m.]

[Docket No. 3861]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BERLAND SUPPLY COMPANY, INC., ET AL.

§ 3.24 (a) (1.5) Coercing and intimidating—Competitors—By threatening boycott: § 3.24 (b) (1) Coercing and intimidating—Customers or prospective customers—To maintain resale prices: § 3.27 (d) Combining or conspiring—To enhance, maintain or unity prices: § 3.27 (h) Combining or conspiring—

¹3 F.R. 1447.

To restrain and monopolize trade: § 3.33 (e) Cutting off competitors' supplies— Threatening withdrawal of patronage. In connection with the offer, etc., in commerce, of glassware, and on the part of respondent wholesalers thereof, respondent manufacturers thereof, respondent agents of said manufacturers, respondent Hotel, Restaurant and Tavern Equipment Association and its members, and on the part of said various respondents' officers, directors, etc., combining, conspiring, agreeing or cooperating among themselves, or between any two or more of them, or with others, or entering into or carrying out any agreements or understandings, or formulating or participating in any cooperative plan or program with the effect or the tendency of suppressing, hindering, restraining or interfering with competition, (1) to refuse to sell glassware to any person, partnership or corporation; (2) to cut off the source or sources of supply of any person, partnership or corporation or hinder, impede or handicap any person, partnership or corporation in its efforts to obtain supplies of glassware for sale or resale in trade and commerce, or to otherwise deprive any person, partnership or corporation of an opportunity to compete in the sale or resale of glassware; (3) to determine or designate who shall be a wholesaler of glassware and who shall not be in Milwaukee and the surrounding trade area or in any other trade area in the United States; (4) to coerce or persuade any wholesaler, retailer or dealer of glassware to refrain from engaging in price competition in the sale and distribution of glassware in commerce; and (5) to limit the number of persons, partnerships or corporations who may participate in trade and commerce in glassware or to limit or proscribe or seek to limit or proscribe the rights of any such person, partnership or corporation to conduct trade and commerce according to its own free will; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Berland Supply Company, Inc., et al, Docket 3861, July 9, 1941]

In the Matter of Berland Supply Company, Inc.; S. J. Casper, Inc.; I. Shapiro, Inc.; Louis M. Mintz, an Individual Trading as Mintz Supply Company; W. A. Reinemann, an Individual Trading as Hotel and Restaurant Supply Company; National Beverage Distributing Company; Anchor-Hocking Glass Company; West Virginia Glass Specialty Company; Indiana Glass Company; Roseware, Inc.; W. H. Peterson, an Individual, Hotel, Restaurant & Tavern Equipment Association and Its Members

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before Edward E. Reardon, a duly appointed Trial Examiner of the Commission designated by it to serve in this proceeding in support of the allegations of the complaint and in opposition thereto, the report of the Trial Examiner thereon and the exceptions to said report, briefs in support of the complaint and in opposition thereto and oral argument by counsel for the Commission and counsel for respondents and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Berland Supply Company, Inc.; S. J. Casper Company, Incorporated; I. Shapiro, Inc.; Louis M. Mintz, trading as Mintz Supply Company; W. A. Reinemann, trading as Hotel and Restaurant Supply Company; National Beverage Distributing Company; Anchor-Hocking Glass Corporation; West Virginia Glass Specialty Company, Inc.; Indiana Glass Company, Roseware, Inc.; W. H. Peterson; and Hotel, Restaurant & Tavern Equipment Association and its members, their officers, directors, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of glassware in commerce, as "commerce" is defined in the Federal Trade Commission Act. do forthwith cease and desist:

From combining, conspiring, agreeing or cooperating among themselves, or between any two or more of them, or with others, or from entering into or carrying out any agreements or understandings, or formulating or participating in any cooperative plan or program with the effect or the tendency of suppressing, hindering, restraining or interfering with competition:

(a) To refuse to sell glassware to any person, partnership or corporation;

(b) To cut off the source or sources of supply of any person, partnership or corporation or hinder, impede or handicap any person, partnership or corporation in its efforts to obtain supplies of glassware for sale or resale in trade and commerce, or to otherwise deprive any person, partnership, or corporation of an opportunity to compete in the sale or resale of glassware:

(c) To determine or designate who shall be a wholesaler of glassware and who shall not be in Milwaukee and the surrounding trade area or in any other trade area in the United States;

(d) To coerce or persuade any wholesaler, retailer or dealer of glassware to refrain from engaging in price competition in the sale and distribution of glassware in commerce;

(e) To limit the number of persons, partnerships or corporations who may participate in trade and commerce in glassware or to limit or proscribe or seek to limit or proscribe the rights of any such person, partnership or corporation to conduct trade and commerce according to its own free will.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Dec. 41-5250; Filed, July 22, 1941; 10:39 a.m.]

[Decket No. 4353]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

In the matter of weaver real estate appraisal training service

§ 3.6 (f) Advertising falsely or misleadingly-Demand or business opportunities: § 3.6 (g) Advertising falsely or misleadingly-Earnings: § 3.6 (m) Advertising falsely or misleadingly—Jobs and employment service: § 3.6 (y10) Advertising falsely or misleadingly-Scientific or other relevant facts: § 3.69 (b) 2) Misrepresenting oneself and goods-Goods-Demand for or business opportunities: § 3.69 (b) 2.5) Misrepresenting oneself and goods—Goods—Earnings: § 3.69 (b) 7.3) Misrepresenting oneself and goods-Goods-Jobs and employment: § 3.69 (b) 15.7) Misrepresenting oneself and goods-Goods-Scientific or other relevant facts: § 3.72 (c) Offering deceptive inducements to purchase-Excessive tarnings. In connection with offer, etc., in commerce, of home study courses, and among other things, as in order set forth, representing (1) that there is a lack of real estate appraisers available for employment or that the demand for such appraisers exceeds the supply: (2) that the real estate appraisal field is using thousands of unskilled, untrained men who are being replaced by competent trained men as rapidly as they are available; (3) that the various loan agencies of the United States Government and private lending agencies need additional or newly trained appraisers; and (4) that lucrative earnings can be assured trained real estate appraisers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Weaver Real Estate Appraisal Training Service, Docket 4353, June 30, 1941]

§ 3.6 (a) (26) Advertising falsely or misleadingly—Business status, advan-

¹5 F.R. 319.

tages or connections of advertiser-Reputation, success or standing: § 3.6 (1) Advertising falsely or misleadingly—Indorsements and testimonials: § 3.18 Claiming indorsements or testimonials falsely: § 3.69 (a) (12.5) Misrepresenting oneself and goods-Business status, advantages or connections-Reputation, success or standing; § 3.69 (b) (7) Misrepresenting oneself and goods-Goods-Indorsements. In connection with offer, etc., in commerce, of home study courses, and among other things, as in order set forth, representing that institutions generally, which know the respondent's school, commend it most highly or are eager to get respondent's graduates, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Weaver Real Estate Appraisal Training Service, Docket 4353, June 30, 1941]

§ 3.6 (f) Advertising falsely or misleadingly-Demand or business opportunities: § 3.6 (g) Advertising falsely or misleadingly—Earnings: § 3.6 (h) Advertising falsely or misleadingly-Fictitious or misleading guarantees: § 3.6 (m) Advertising falsely or misleadingly—Jobs and employment service: § 3.69 (b) (2) Misrepresenting oneself and goods-Goods-Demand for or business opportunities: § 3.69 (b) (2.5) Misrepresenting oneself and goods-Goods-Earnings: § 3.69 (b) (7.3) Misrepresenting oneself and goods-Goods-Jobs and employment: § 3.72 (c) Offering deceptive inducements to purchase—Excessive earnings: § 3.72 (k10) Offering deceptive inducements to purchase-Results guarantee. In connection with offer, etc., in commerce, of home study courses, and among other things, as in order set forth. representing (1) that respondent can assure or guarantee earnings in any amount to graduates of his school; and (2) that graduation from his school in and of itself, qualifies one for a Government position as a real estate appraiser: prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Weaver Real Estate Appraisal Training Service, Docket 4353, June 30, 1941]

§ 3.6 (a) (3.5) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser—Business methods and policies: § 3.6 (k) Advertising falsely or misleadingly—Individual attention: § 3.6 (m7) Advertising falsely or misleadingly-Limited offers or supply: § 3.69 (a) (.5) Misrepresenting oneself and goods-Business status, advantages or connections-Business methods and policies: § 3.69 (b) (6.5) Misrepresenting oneself and goods - Goods—Individual attention: § 3.72 (g10) Offering deceptive inducements to purchase-Limited offers or supply. In connection with offer, etc., in commerce, of home study courses, and among other things, as in order set forth, representing (1) that the number of students permitted to enroll in respondent's school is limited; and (2) that he personally corrects all written lessons of his students; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Weaver Real Estate Appraisal Training Service, Docket 4353, June 30, 1941]

§ 3.6 (r) (7) Advertising falsely or misleadingly-Prices-Usual as reduced or special: § 3.69 (c) (5) Misrepresenting oneself and goods-Prices-Usual as reduced or to be increased. In connection with offer, etc., in commerce, of home study courses, and among other things, as in order set forth, representing that respondent's course of study is sold for less than half the regular tuition fee charged, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Weaver Real Estate Appraisal Training Service, Docket 4353, June 30, 1941]

In the Matter of Howard S. Weaver, an Individual, Trading Under the Name Weaver Real Estate Appraisal Training Service

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent and a stipulation as to the facts entered into on the record herein, and the Commission having duly considered the record and having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Howard S. Weaver, an individual trading as Weaver Real Estate Appraisal Training Service, or under any other trade name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of home study courses in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

- (1) That there is a lack of real estate appraisers available for employment or that the demand for such appraisers exceeds the supply;
- (2) That the real estate appraisal field is using thousands of unskilled, untrained men who are being replaced by competent trained men as rapidly as they are available:
- (3) That the various loan agencies of the United States Government and pri-

vate lending agencies need additional or newly trained appraisers;

(4) That lucrative earnings can be assured trained real estate appraisers;

- (5) That institutions generally, which know the respondent's school, commend it most highly or are eager to get respondent's graduates;
- (6) That he can assure or guarantee earnings in any amount to graduates of his school;
- (7) That the number of students permitted to enroll in his school is limited;
- (8) That he personally corrects all written lessons of his students;
- (9) That his course of study is sold for less than half the regular tuition fee charged;
- (10) That graduation from his school in and of itself, qualifies one for a Government position as a real estate appraiser.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-5251; Filed, July 22, 1941; 10:40 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EX-CHANGE COMMISSION

PART 201-RULES OF PRACTICE

AMENDMENTS TO RULES OF PRACTICE OF THE COMMISSION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof [sec. 19, 48 Stat. 85; sec. 209, 48 Stat. 908; 15 U.S.C., 77s]; the Securities Exchange Act of 1934, as amended, particularly section 23 (a) thereof [sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78vvl; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof [sec. 20, 49 Stat. 833; 15 U.S.C. 79t] the Trust Indenture Act of 1939, particularly section 319 (a) thereof Isec. 319, 53 Stat. 1173; 15 U.S.C. 77sss]; the Investment Company Act of 1940, particularly section 38 (a) thereof [54 Stat. 841], and the Investment Advisers Act of 1940, particularly section 211 (a) thereof [54 Stat. 855]; and finding such action necessary and appropriate to carry out the provisions of such Acts, hereby amends §§ 201.9 and 201.19 [Rules IX and XIX] of the Rules of Practice of the Commission as follows:

¹6 F.R. 1109.

Section 201.9 (b) [Rule IX (b)] is hereby amended to read as follows:

§ 201.90 Exceptions.

(b) Following any hearing before a trial examiner other than (1) a hearing under the Public Utility Holding Company Act of 1935, or (2) a hearing on the question of postponement of the effective date of registration of a broker or dealer under section 15 (b) of the Securities Exchange Act of 1934, as amended [sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C. 780], pending final determination whether such registration shall be denied, or (3) a hearing pursuant to the provisions of Clause 30 of Schedule A of the Securities Act of 1933, as amended [Schedule A, 48 Stat. 91; 15 U.S.C. 77aa], or section 24 (b) of the Securities Exchange Act of 1934 [sec. 24, 48 Stat. 901; 15 U.S.C. 78x] as amended, or (4) a hearing on the question of postponement of the effective date of registration of an investment adviser under section 203 of the Investment Advisers Act of 1940 [54 Stat. 850] pending final determination whether such registration shall be denied, or (5) a hearing on any application under the Investment Company Act of 1940 [54 Stat. 789, et seq.] the trial examiner shall, within 10 days after service upon him by the Secretary or other duly designated officer of the Commission of a copy of the transcript of the testimony, file with the Secretary of the Commission his report containing his findings of fact.

Section 201.19 [Rule XIX] is hereby amended to read as follows:

§ 201.19 Nonapplicability of rules to investigations. These rules, other than § 201.2 (e) [Rule II (e)], shall not be applicable to investigations conducted by the Commission pursuant to sections 8 (e), 19 (b) and 20 (a) of the Securities Act of 1933 [sec. 8, 48 Stat. 79; 15 U.S.C. 77h; Sec. 19, 48 Stat. 85; Sec. 209, 48 Stat. 908; 15 U.S.C. 77s; Sec. 20, 48 Stat. 86; 15 U.S.C. 77t], as amended; section 21 (a) of the Securities Exchange Act of 1934 Isec. 21, 48 Stat. 899; 15 U.S.C. 78u], as amended; sections 11 (a), 13 (g), 18 (a), 18 (b) and 30 of the Public Utility Holding Company Act of 1935 [sec. 11, 49 Stat. 820: 15 U.S.C. 79k; sec. 13, 49 Stat. 825; 15 U.S.C. 79m; Sec. 18, 49 Stat. 831; 15 U.S.C. 79r; sec. 30, 49 Stat. 837; 15 U.S.C. 79z-41; section 321 (a) of the Trust Indenture Act of 1939 [sec. 321, 53 Stat. 1174; 15 U.S.C. 77uuu]; section 209 (a) of the Investment Advisers Act of 1940 [sec. 209, 54 Stat. 853]; or sections 14 (b) and 42 (a) of the Investment Company Act of 1940 [sec. 14, 54 Stat. 811; sec. 42, 54 Stat. 842].

Effective July 22, 1941. By the Commission.

[SEAL] Francis P. Brassor,
Secretary.

[F. R. Doc. 41-5259; Filed, July 22, 1941; 11:39 a. m. l

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

PART 402—LOAN SERVICE DIVISION PART 405—RECONDITIONING SECTION

ADVANCES FOR RECONDITIONING

Correction

The original of the document appearing on page 3531 of the issue for Friday, July 18, 1941, was signed by "J. Francis Moore, Secretary".

CHAPTER V—FEDERAL HOUSING ADMINISTRATION

SUBCHAPTER E—FARM MORTGAGE
INSURANCE

PART 551—ADMINISTRATIVE RULES FOR FARM MORTGAGE INSURANCE UNDER SECTION 203 (d) OF THE NATIONAL HOUSING ACT

Section 551.27 is hereby amended to read as follows:

§ 551.27 Properties insured on and after July 1, 1944. On and after July 1, 1944, no mortgages will be insured except mortgages

(a) that cover property which is approved for mortgage insurance prior to the completion of the construction of such property, or

(b) that cover property which had been previously covered by a mortgage insured by the Administrator.

Issued at Washington, D. C., this 21st day of July 1941.

[SEAL] ABNER H. FERGUSON, Federal Housing Administrator.

[F. R. Doc. 41-5219; Filed, July 21, 1941; 3:59 p. m.]

PART 552—REGULATIONS FOR FARM MORT-GAGE INSURANCE UNDER SECTION 203 (d) OF THE NATIONAL HOUSING ACT

Section 552.13 is hereby amended by the addition of the following paragraph at the end thereof:

§ 552.13 Transfer of property to Administrator; conditions of default in mortgage.

If at any time during default the mortgagor is a "person in military service", as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the period during which he is in such service shall be excluded in computing the one year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this section and no postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be

construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this section.

Section 552.14 (a) is hereby amended to read as follows:

§ 552.14 Condition of property when transferred; delivery of debentures and certificate of claim.

(a) Debentures of the Mutual Mortgage Insurance Fund as set forth in section 204 of the Act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of two and three-quarters per centum (234%) per annum payable semi-annually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 204 (a) of the Act. Such value shall be determined by adding to the original principal of the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments, which have been made by the mortgagee for taxes, special assessments and water rates, which are liens prior to the mortgage, insurance on the property mortgaged and any mortgage insurance premium paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property between such dates: Provided, however, That with respect to mortgages which are accepted for insurance prior to July 1, 1944, and comply with the conditions set forth in Article III, section 1 (a), (b), and (c) of these Regulations, on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 80% of the appraised value of the property as of the date the mortgage was accepted for insurance, there will be included in the debentures issued by the Administrator, on account of foreclosure costs actually paid by the mortgagee and approved by the Administrator an amount not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings, but in no event in excess of \$75.

Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Administrator with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on three (3) months' notice of redemption given in such manner as the Administrator shall prescribe.

Issued at Washington, D. C., this 21st day of July 1941.

[SEAL] ABNER H. FERGUSON,
Federal Housing Administrator.

[F. R. Doc. 41-5220; Filed, July 21, 1941; 3:59 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C-MISCELLANEOUS EXCISE TAXES

[T. D. 5061]

PART 137-CAPITAL STOCK TAX

Sections 1203 and 1205, Internal Revenue Code, Extension of time for filing capital stock tax returns and paying tax

General extension. Returns of capital stock tax under Chapter 6 of the Internal Revenue Code (53 Stat., Part 1), as amended, for the year ended June 30, 1941, are required to be filed and the tax paid on or before July 31, 1941, unless the time for filing returns and paying the tax is extended under the provisions of sections 1203 and 1205 of the aforementioned chapter.

In accordance with the provisions of these sections, the period during which the returns of capital stock tax may be filed and the tax paid by all corporations is extended to September 29, 1941. Collectors of internal revenue are authorized to accept returns without assertion of penalties for delinquency or of interest if the returns are filed and the tax paid on or before the extended date. (Secs. 1203, 1205, 3791, 53 Stat., 171, 467; 26 U.S.C., Sup. V, 1203, 1205, and 3791)

[SEAL] GUY T. HELVERING, Commissioner of Internal Revenue.

Approved: July 21, 1941.

John R. Sullivan, Acting Secretary of the Treasury.

[F. R. Doc. 41-5260; Filed, July 22, 1941; 11:47 a. m.]

TITLE 29-LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 545—REGULATIONS RELATING TO HOME WORKERS IN THE NEEDLEWORK INDUS-TRIES IN PUERTO RICO 1

The following amendments to Regulations, Part 545 (Regulations relating to Home Workers in the Needlework Industries in Puerto Rico) are hereby issued. They amend § 545.2, so as to clarify the meaning of "employer" and to exclude certain workers from the home work regulations when they work under virtually factory conditions; and add paragraphs (e) and (f) which define the terms "design" and "operations." They amend

§ 545.3 so as to eliminate the necessity for specifying lot numbers of goods on which designs are to be sewn and the assignment by the employer of a number or other designation to each design. They amend § 545.4 so as to require each bundle to contain only goods requiring the same operations, to permit subcontractors to return only part of a bundle when permission is obtained from the Wage and Hour Division, and to require all deliveries to and collections from home workers to be made by employees expressly employed for this purpose. They amend § 545.5 so as to require records to be kept at the principal office in Puerto Rico; so as to require certain additional information relating to the payment of minimum wages; so as to permit payment of the home worker within seven days after the collection of goods by a subcontractor; and so as to require information in the home work handbook on the date goods are collected from home workers. They amend § 545.6 to delete a reference to "representative contractor." They amend § 545.8 so as to require employers adopting piece rates where none have been established by the Administrator to advise the Wage and Hour Division of the rate fixed and the basis on which it was computed and to require all such rates to yield the minimum hourly rate under prevalent operating conditions with equipment ordinarily found in the homes. They re-enact §§ 545.1, 545.7, 545.9, and 545.10. They amend §545.11 by repealing all previous piece rates and setting forth in substitution therefor a schedule in more understandable form which re-enacts certain piece rates (so designated), and establishes new piece rates which are commensurate with the minimum hourly rates promulgated for the Needlework Industries in Puerto Rico prescribed in Regulations, Part 587.

Such amendments shall become effective Oct. 12, 1941.

Signed at Washington, D. C., this 11th day of July 1941.

PHILIP B. FLEMING,
Administrator.

§ 545.1 Applicability. The provisions of Part 545 shall apply only to persons engaged in activities relating to home workers in the Needlework Industries in Puerto Rico as defined in Part 587.*

*§§ 545.1 to 545.11, inclusive, issued under the authority contained in section 6 (a) (5), Pub. Res. No. 88, 76th Congress and section 11 (c), 52 Stat. 1060.

§ 545.2 Definitions. The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning: Provided, however, That the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the Act.

(a) "Employer" includes any natural or artificial person, who, for his own account or benefit, or on behalf of any

person residing outside the Island of Puerto Rico, directly or indirectly, or through an employee, agent, subcontractor, or any other person; ¹

(1) Delivers, or causes to be delivered, any goods to be produced in a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods produced in a home and then rebuying such goods after such production, either himself or through some other person.

(b) "Subcontractor" includes any person, who, for the account or benefit of an employer, delivers to a home worker goods to be produced in a home and thereafter to be returned in accordance with the direction of such employer.

(c) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place and also includes out-buildings on premises that are primarily so used where such out-buildings are under the control of the person dwelling on such premises. Such out-buildings shall not be deemed subject to the control of the person dwelling on such premises when: An employer regularly (1) employs therein not less than 10 workers normally working at least twenty hours per week and performing operations under the control of a supervising employee; and (2) pays such employees each week on a specified pay dav.

(d) "Home worker" includes any employee performing any operation on goods produced for commerce in a home.

(e) "Design" includes a combination of two or more stitches or operations so sewn as to form a pattern.

(f) "Operations" includes "sewing operations" and "processing operations."

(1) "Sewing operations" means any stitching whether by hand or machine which is covered by a single piece rate established by the Administrator or adopted by an employer; and (2) "processing operations" means any work or any process other than a sewing operation other than the distribution or collection of goods from home workers.*

§ 545.3 Filing of designs and notification of operations. Every employer prior to the distribution of work to any home worker shall file with the Wage and Hour Division in Puerto Rico, (a) a copy of each design, if any, and (b) a description of each operation, whether or not part of a design, to be performed by any home worker, together with the style numbers of the goods upon which such designs shall be made and operations shall be performed, and the corresponding piece rates to be paid for each such operation.

¹5 F.R. 4633.

¹The purpose of this change was to clarify the original meaning to include a representative contractor as an employer.

²Thus, the design or description of the operation will be assigned a designation in addition to the description of the goods (style number) upon which the designs are to be made.

§ 545.4 Tickets to be affixed to bundles. Every employer shall make up the goods to be delivered to a subcontractor into a bundle, each bundle to comprise goods on which the same operations are to be performed. Every employer shall affix to each such bundle a ticket which shall be numbered serially and contain the name of such employer. The serial numbers of such tickets shall run from the number one and be prefixed by the number of the permit issued to such employer by the Department of Labor of Puerto Rico.º The subcontractor shall return the ticket with the bundle to the employer. All goods specified on the ticket shall be returned to the employer at one time except when special permission is obtained from the Wage and Hour Division for subcontractors to return part of the goods. In each such case, a partial delivery ticket shall be made out and later filed with the original bundle ticket when the remaining goods specified thereon are returned. All goods for production in a home shall be personally distributed to and collected from the home worker who is to work on the goods either directly at the factory or by employees expressly employed by the employer to distribute and collect such goods outside of the factory.*

§ 545.5 Records to be kept. Every employer shall make, and have available at his principal Puerto Rican Office, a record of the following information: 4

- (1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods in each bundle for delivery to a home worker were received.
- (2) The monthly total of goods received and shipped by him with a description thereof and the total cost of labor performed thereon by home workers with a description of the operations performed in connection therewith.
- (3) The name and address of each subcontractor, if any, to whom each bundle of goods was delivered for delivery to home workers, together with the number of the permit issued to such subcontractor by the Department of Labor in Puerto Rico.
- (4) The dates upon which each bundle of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

- (5) The style number, description of, and amount of goods in each bundle, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid each home worker for the operations performed upon such goods.
- (6) The ticket number of ticket affixed to each bundle of goods.
- (7) The name and address of each home worker to whom the goods in each bundle were delivered.
- (8) The dates upon which the goods in each bundle were delivered to and collected from each home worker.
- (9) The date or dates upon which each home worker was paid for opera-

tions performed on the goods in each bundle.

(b) When an employer receives goods on which work has been completed, he shall pay immediately the home worker or subcontractor, as the case may be, for such work, provided that in cases where payment is made to a subcontractor, the home worker shall be paid within seven days after such subcontractor has collected the goods from such home worker, and every employer shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each home worker) which shall be kept by the home worker:

Doy and month delivered Descript	ion and Style	Orcus.	Picco rato	Quan- tity	Date geods col- lected	Dayand menth paid	Amounts paid	Signature of person acting in behalf of employer

¹Thus, a proper description might be "Handkerchief 19" x 10"".

§ 545.6 Maintenance of records. Every employer shall keep and preserve for a period of not less than four years at his place of business the records required above. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.*

§ 545.7 Piece rates prescribed by the Administrator. Pursuant to the provisions of section 6 (a) (5) of the Act, each home worker shall be paid, in lieu of the applicable hourly rate established by the wage order for the Needlework Industries, not less than the piece rates prescribed in § 545.11 for the operations described therein.*

§ 545.8 Piece-rates adopted by employers.º Pursuant to the provisions of section 6 (a) (5) of the Act, in the event that a home worker is to perform an operation for which no piece rate has been established by the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable hourly rate established by the wage order for the

§ 545.9 Penalties. Section 15 of the Act makes it unlawful for any person to violate the provisions of the regulations in this part, and subjects any such person to the penalties provided by section 16 and section 17 of the Act.*

§ 545.10 Petition for amendment of regulations. Any person wishing a revision of any of the terms of the regulations in this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of the regulations is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.*

Thus, if the permit is 56, the serial numbers on the ticket would run, 56-1, 52-2, etc. Although responsibility for keeping the record is placed upon the employer, the actual work of making the record may, of course, be delegated to employees, agents, subcon-tractors or other persons acting in behalf of the employer.

Needlework Industries. Such employer piece rates shall only be adopted after the employer notifies the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such a rate shall remain in effect only until such time as the Administrator or his authorized representative establishes a piece rate for such operation.*

^{*}An employee, subcontractor or other person may perform these functions in behalf of the employer.

*See Part 587 for the applicable hourly

rate for the different divisions and classifications of the needlework industries.

Such piece rates are subject to the regulations in Part 531.

§ 545.11 Piece rates established in accordance with § 545.7

SCHEDULE A

	Cotton Under wear and In- fants' Under- wear Division		Infants'	Silk (Ex- cept	Wearing Apparel Division			
• Operation	Rayon and infants' silk under- wear	Cotton under- wear	Wear Di- vision	In- fants') Under- wear Di- vision	Wom- en's blouses and dresses	Chil- dren's wear	Unit of payment	
	1	2	3	4	5	6		
I. SEWING 1. Knitted loops—½" 2. Knitted loops—1" up to 1½" 3. Sewing of button—two to three	Cents 1, 56 2, 63 1, 63	Cents 1.40 2.37 1.47	Cents 1.56 2.63 1.63	Cents 1.87 3.16 1.96	Cents 2, 50 4, 21 2, 61	Cents 2, 50 4, 21 2, 61	Per dozen loops. Per dozen loops. Per dozen buttons.	
stitches using double thread. 4. Sewing of ribbon. 5. Pin tucks—up to 7" in length	1.71 4.12	1. 54 3. 71	1.71 4.12	2.05 4.94	2,74 6,59	2. 74 6. 59	Per dozen ribbons. Per dozen tucks.	
stamped. 6. Tucks Me" to M" wide—up to 6"	3.91	3. 52	3, 91	4, 69	6. 26	6. 26	Per dozen tucks.	
in length stamped. 7. Flat roll 8. Half roll 9. Basting for faggotting 10. Rolling armholes and reboques 11. Buttonholes—36" long 12. French seams—9 to 12 Stit. per	1 4 10	3.41 3.69 1.02 5.75 4.85 1.85	3.79 4.10 1.13 6.39 5.39 2.06	4.55 4.92 1.36 7.67 6.47 2.47	6.06 6.56 1.81 10.22 8.62 3.30	6.06 6.56 1.81 10.22 8.62 3.30	Per yard. Per yard. Per yard. Per yard. Per yard. Per dozen buttons. Per yard.	
inch. ¹ 13. Cutting of threads	3. 36	3.02	22.50 3.36	4.03	5. 38	2 4. 00 5. 38	Per dozen garments. Per yard.	
12 Stit. per linea up to 1". 15. Overcasting seams	4.88 8.30 3.09	2.39 4.39 2.78	2, 66 4, 88 8, 30 3, 09 3, 32	3. 19 5. 86 9. 96 3. 71 3. 98	4, 26 7, 81 13, 23 4, 94 5, 31	4. 26 7. 81 13. 28 4. 94 5. 31	Per yard. Per yard. Per dozen inches. Per dozen inches. Per yard.	
II. FANCY EMBROIDERY 1. Rose—bud—4 leaves. 2. Simple leaves (group of 4). 3. French knot—in groups. 4. Single hemstitching. 5. Double hemstitching. 6. Randa don gonzalez. 7. Smocking—8 stitches per inch. 8. Shell stit.—4 to 5 stit. per inch. 9. Faggotting—twisted lines. 10. Faggotting—straight lines. 11. Featherstitch cord. 12. Shadow stitch—up to 33" wide. 13. Point de ture—double—2 sides (at one time—with emb. thread). 14. Point de ture—plain—with emb. thread. 15. Spiders—8 legs.	3.71 0.47 0.52 8.14 15.50 13.12 0.81 4.29 8.32 17.41 4.39 24.15 12.44 7.29	0.73 3.86 7.49 15.67 3.95 21.74	15.50 13.12 0.81 4.29 8.32 17.41 4.39 24.15 12.44 7.29	9.77 18.60 15.74 0.97 5.15 9.98 20.89 5.27 28.98 14.93	21.00 1.30 6.86 13.31 27.86 7.02 38.64 19.90	5. 94 0. 75 0. 83 13. 02 24. 80 21. 00 1. 30 6. 85 13. 31 27. 86 7. 02 38. 64 19. 90 11. 66 7. 82	Per dozen buds. Per dozen leaves. Per dozen leaves. Per yard. Per yard. Per yard. Per 98 stitches. Per yard.	
III. SOLID EMBROIDERY 1. Sol. cord on gores & embroidery 2. Sew on lace with sol. cord stitch 3. Baby dots (2-3 stit—in groups) 4. Dots.—med.; &" diam.—average stit. 5. Eyelets—ye" in diameter and smaller. 6. Solid leaves—ye" g, —not fin. off 7. Solid leaves—ye" g, —not fin. off 8. Plain scallops	10.63 1.04 1.65 2.79	9. 56 0. 94 1. 49 2. 51 1. 23 1. 50	10. 63 1. 04 1. 65 2. 79 1. 37 1. 67	12,75 1,25 1,98 3,34 1,64 2,00	2.64 4.46 2.19 2.67	1.66 2.61 4.46 2.19 2.67	Per dozen leaves. Per dozen leaves.	

¹ First Seam by Machine. ² Previous rate unchanged.

Note: Columns 1, 2, and 3 based on hourly rate of 12½ cents. Column 4 based on hourly rate of 15 cents. Columns 5 and 6 based on hourly rate of 20 cents.

Handkerchiefs and Household Art Linens Division Art Linens

SCHEDULE B

Per doz. quarter yds. Cents

1. Folding and Basting hem and edges___.

CRASH MATERIAL

Thread Drawing around edge, 1 line, 4 sides:

			Scarfs ·	Per	doz.
2.	17"	х	36"	. 1	7.00
			45''	_ 1	8.40
4.	17"	х	54"	- 1	9.80

*Previous rate unchanged.

				Doilies	
					Per doz.
					cents
5.	12''	x	18"		¹ 3.00
6.	10"	x	14"		13.00
				Squares	
8.	36"				17.75
9.	45"				110.30
					¹ 13.00
				Napkins	
11.	12"				² 3, 10
					13, 10
					13.10
				Table cloths	
14.	54''	x	72''_		15.28

,
Per doz. Scarfs
Cents
15. Thread Drawing—1 Row at each end of scarf—2 sides inc.,
18" X 46" 2:40
Per dos. Threads
16. First Thread drawing 1" to 10"
stamped100.70 17. First Thread drawing 1" to 10"
without stamping 10.80
Per doz. Inohes
18. Featherstitch Cord 2.71
19. Cross Stitch—6 crosses per inch. 2.67
, Per dos, towels
20. Flat Hem — without pasado — 2 ends 18" long towel—18" x 30" 48.88 21. Pasados—2 rows at end—towel—
21. Pasados—2 rows at end—towel—
18" x 30" 13.63 Per dos.
clotius
22. Ravelling around—1" size 33" x 33" 21.59
PATCHES Sawad on Punning Stitch
Sewed on—Running Stitch Per dos.
23. Rectangular Shape 2,24
24. Round-Perfect Circle 2,73
25. Irregular Outline (Cutting of patches included) 4.77
Note: Prices based on hourly rate of 121/2¢.
Handkerchiefs and Household Art Linens
Division—Handkerchiefs
SCHEDULE C Price per
dos.
Initials—Solid Embroidery Inches (cents)
1. Simple Initials—By Hand, without Hoops17,75
2. Simple Initials—By Hand, with
3. Fancy Initials & Monograms—By
Hand, with Hoops 12,50
Pasadas on Ladies' and Men's Hand- kerchiefs All-around Pasadas
(Lines come out of Handkerchiefs)
c Per doz. Pasadas
(cents)
4. One row—edge to edge—11" x 11" to 14" x 14" incl. linen up to
1600 c. incl
6. One row edge to edge 15" x 15"
7. Same on Linen 1700 c. upwards 15.25
8. One row edge to edge 16" x 16" to 20" x 20" incl. linen up to 1400
c. incl16.00 9. Each row on linen over 1400 c. add
1¢ per doz. per count of 100.
Short Pasadas (do not run from edge to edge)
10. Linens up to 7" long incl. linen up to 1600 c. incl 1.30
11. Each row on linen over 1600 count add 1/2¢ per doz. per count of
100. 12. Lines over 7" long linen up to
1500 c. incl
13. Each row on linen over 1500 count add 1/2¢ per doz. per count of
100.
Hand Rolling on Ladies' and Men's Handkerchiefs Per 48 inches
14. French roll on cotton or linen—
7 to 11 stitches per inch 4.24
15. French roll on cotton or linen—12 to 16 stitches per inch
•
[F. R. Doc. 41-5212; Filed, July 21, 1941; 11:56 a. m.]
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TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-426]

PART 321—MINIMULI PRICE SCHEDULE, DISTRICT NO. 1

ORDER OF THE ACTING DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE BITULINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 1 FOR THE ESTABLISHMENT AND REVISION OF EFFICTIVE MINIMUM PRICES FOR THE COALS OF THE PAGE NO. 1, PAGE NO. 2, W. G. MOORE AND SON, SIMON MURRAY, HARVLY NAUGHTON, SPRUCE NO. 1, SPRUCE NO. 2 AND BUCKHORN RIDGE MINES (MINE INDEX NOS. 23K, 645, 634, 2622, 561, 600, 610, AND 2621 RESPECTIVELY) OF DISTRICT NO. 1 FOR SHIPLIENT INTO ALL MARKET AREAS.

An original petition having been filed with the Bituminous Coal Division on November 28, 1940 by District Board 1 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the revision of minimum prices and price classifications for Size Group No. 3 coals produced by the W. . Moore and Son Mine (Mine Index No. 634) of W. G. Moore and Son; the Naughton Mine (Mine Index No. 561) of Harvey Naughton; the Spruce No. 1 and Spruce No. 2 Mines (Mine Index Nos. 600 and 610) of the New Garden Coal Company; the Joseph Page No. 1 and Joseph Page No. 2 Mines (Mine Index Nos. 238 and 645) of the Joseph Page Coal Company; the Buckhorn Ridge Mine (Mine Index No. 2621) of the Yonkosky Coal Company; and the Murray Mine (Mine Index No. 2622) of Simon Murray, all located in District 1; and

Pursuant to Orders of the Director dated December 17, 1940, and January 28, 1941, a hearing having been held in this matter on January 30, 1941, before a duly designated Examiner of the Bituminous Coal Division in Washington, D. C.; all interested parties having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

Temporary relief pending final disposition of the original petition having been granted by Order of the Director dated December 17, 1940, 5 F.R. 5180; and

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director; and

The Acting Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the petition of District Board 1 be and the same is hereby granted as follows: Commencing forthwith § 321.7 (Alphabetical

list of code members) is amended by adding thereto Supplement R and § 321.32 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter cet forth, and hereby made a part hereof.

It is further ordered, That, the established minimum prices and price classifications for the coals of the Spruce Mines, Nos. 1 and 2 Chine Index Nos. 600 and 610) prescribed by the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments for All Size Groups except Size Group 3, shall be deleted.

Dated: July 9, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

The following permanent changes shall be made, effective forthwith in Part 321, Minimum Price Schedule or supplements thereto for District No. 1.

Now: The material contained in these permanent supplements is to be read in the light of the classification, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of each members boving rallway leading lealities, charting poles classification by size group Nes.]

Mine index No.	Co io member	, Mine name	Sub-dist, No.	Feam	Fright orlers or Fine From No.	1	2	3	4	5
358883	Meare & Sen, W. G. (W. G. Metre)	Trens #1	BBooBB	88008B	45 44 44 40 40 40 40	355553	633338	ದಿದಿದ್ದಾರ್ಣ	£55555	656668

fIndicates no classifications effective for those size groups.

FOR TRUCK SHIPMENTS

§ 321.32 General prices—Supplement T

[Prices in cents per net ton for chipment into all market areas]

Code member index	Mino index No.	Call M	Sub, df t. No.	County	Stam	All lump coal doil- ble servence, top size 2" and over	Double Fercencel, top fixe 2" and under	Mun of mine, modi-	a" and undor.	o 91" and under, slack
Moore & Son, W. G. (W. G. Moore).	C:	W. G. Moore &	11	Contre	В			215		
Murray, Simen		Munoy. Neuration Sprace #1	#13°	Sameret Sameret Cluston	Redstone B			8000 8000 8000		=
(R. J. Kelley). New Garden Coal Company (R. J. Kelley).	C16	Sprace #2	ş	Cliston	D			200		
(R. J. Kelley). Page Coal Company, Jeroph (Walter Page).	233	Page #1	Ω,	Cambria	B	ļ		200		
Paro Coal Company, Jeseph (Walter Pago).	Ct:	Fage #2	ಐ	Cambria	В,	 	[20		
Yonkosky Coal Company, Jes	2231	Buchkern Rilge	27	Combris	A			200	<u>'</u>	<u></u>

[F. R. Doc. 41-5103; Filed, July 21, 1941; 10:36 a. m.]

[Docket No. A-162]

Part 322—Minimum Price Schedule District No. 2

ORDER OF THE ACTING DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT ECARD 2 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES HERETOFORE ESTABLISHED FOR CERTAIN COALS PRODUCED IN DISTRICT NO. 2

An original petition having been filed with the Bituminous Coal Division by District Board 2, pursuant to section 4 II (d) of the Bituminous Coal Act of

1937, requesting modification of the effective minimum prices heretofore established for certain coals produced in District No. 2;

Pursuant to an Order of the Director dated December 30, 1940, a public hearing having been held in this matter on February 19, 1941, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

¹The Order of December 17, 1940, designated Charles S. Mitchell as Examiner and scheduled the hearing for January 30, 1941. The Order of January 28, 1941, designated Floyd McGown vice Mitchell.

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64

11/1, SINCK

Per 34" x 134"

Stove 1" x 4"

EEE 51, x 41,

ramd z.

ramb 3.,

", dan'ı

Lump over 4"

Seam

Mine

Code member index

Mine index No.

Base sizes

General prices—Supplement—Continued

\$ 322.23

5/N .Z Run of mine

225 215

88

Lemont No. 2...

222

Lemont Coal & Goke Co... Nochta, John...

WASHINGTON COUNTY

3331 231 111

310 300 2 276 265 2

Black Diamond.
Courting.
Courting.
Bluncy Big Six
Big Six
Big Six
Big Six
Coll Latchem
Coll
Big Soctts Hollow.
Bubbett.

Temporary relief, pending final disposition of the original petition, having been granted by Order of the Director dated December 30, 1940;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been sub-

Findings of Fact and Conclusions of Law and having rendered an Opinion in this Acting Director having made Now, therefore, it is ordered, That matter which are filled herewith; mitted to the Acting Director The

Commencing fifteen (15) days from the date hereof, the coals referred to in the a part hereof shall be subject to the minimum prices as provided in said of Effective Minimum Prices for District No. 2, For Truck Shipments, be and the schedule hereinafter set forth and made § 322.23 (General prices) in the Schedule follows: as is hereby amended, schedule. same

Dated: July 9, 1941.

Acting Director. DAN H. WHEELER,

1 а. р. ио.

[SEAL]

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

Norz: The material contained in this supplement is to be read in the light of the classifienans, prices, instructions, exceptions and other provisions contained in Price Schedule for District No. 2 and Supplements thereto

FOR TRUCK SHIPMENTS

1168	Courtney Coal Co.	Dunleyy Coal Co	Monongahela Clay Mfg. Co., 1225 Nokovich, Miko	Hide, Simon W. Co. F. Ingram. 1234 Rich Simon W. Co. F. Ingram. 1244 Ste 7 Wilson & Son & C. F. Ingram. 1251 Pin Co. P. Ingram. 1250 Pin Co. P. Ingram. 1250 Zip Westmoreland county	11 3 Bronnen, Geo. K (Charmon 159 My 9 Brautegam, A. L. (Charmon 109 Joh	Coal Co.). Edgeoliff Mining Co	King Coal Co. King Coal Co. Kostello, Jos. Kostello, Joseph Co. Kostello	<u> </u>		160 [Docket No. A-879]	PART 326-MINIMUM PRICE S	165 ORDER GRANTING TEMPORARY RE	CONDITIONALLY PROVIDING FG 160 RELIEF IN THE MATTER OF THE 165 OF DISTRICT BOARD NO 6 FOR TH	888	iss minimated prices for the coaling and train mines in district no.	ISO An original petition, pursuan	$\frac{165}{120}$ top 4 II (d) of the Bituminous
		٠.		1½", slack	2	 —	58888			275 265 255 220 220 205 105 205 180 170 160 275 205 205 255 220 205 105 205 180 170 160		185 176 1 180 170 1 185 175 1	333	185	233	385	28
				S/N /Z	0	i –	270 200 250 250 215 215 210 220 150 1 275 200 250 150 1 275 200 250 250 250 250 250 250 250 250 25	216 210 220 180 170 180 170 216 210 220 180 170		88		888	888	288	22	288 288	28
				Run of mine	œ	Ì	ន្តន្តន្តន្ត	ន្ត្រន្តន្ត		잃었		ងឧង	222	250 245 225 225 1 255 245 220 220 1 245 245 230 220 1	250 245 225 250 245 225 225	325	22 22 22 23 23 23 23 23 23 23 23 24 25 25 25 25 25 25 25 25 25 25 25 25 25
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hereto.	FOR TRUCK SHIPMENTS	§ 322.23 <i>General prices—</i> Supplement [Prices in cents per not ton for slipmont into all market areas]		Mino			Nancy Beechmont Edwards Penn & Merritt.			Frazier McCarrell	į.	Badger Goo, Vasil Humphreys			1211	Lemer IIIe	
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istrict No. 2 and Supplements thereto	•	§ : Prices	,	Code member index		ALLEGHENY COUNTY	Carrier & Sons Cattley, Thomas. Edwards, T. D. Belton, & Merritt Petter, Conf. Co.	Sebsstian Coal Co Stankovich, Frank Sunnyhill Coal Co	BEAVER COUNTY	Frazier, J. Edwin. D. & D. S	BUTLER COUNTY	Badger & Co., S. E. Bowersox, C. A. Boyd & Allison.	Coal Hollow Mng. Co. (Jos. R. Marco). Coreo, Henry R. Davis, Perry.	Force, Joseph Hutchison & Fleezer Kelley, R. F.	Kelley & Sons, James Lynch, James	Mellish Bros.	Sonntar, D. J. Wike, Himes & Wiko

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SCHEDULE, RELIEF AND ITIONALLY PROVIDING FOR FINAL F IN THE MATTER OF THE PETITION STRICT BOARD NO. 6 FOR THE ESTAB-IENT OF PRICE CLASSIFICATIONS AND CER-AUM PRICES FOR THE COALS OF MINES IN DISTRICT NO. PRICE GRANTING TEMPORARY [Docket No. A-879] DISTRICT No. 6 26—Minimum

I (d) of the Bituminous Coal Act, having been duly filed with this riginal petition, pursuant to sec-

HARMANAHAAAA

cations and minimum prices for the coals It appearing that a reasonable showing questing the establishment, both temporary and permanent, of price classifiof certain mines in District No. 6; and of necessity has been made for the grant-Division by the above-named party,

ing of temporary relief in the manner No petitions of intervention having been filed with the Division in the abovehereinafter set forth; and

It appearing that this action is necessary in order to effectuate the purposes of the Act; entitled matter; and

list of mines) is amended by adding thereto Supplement It is ordered, That, pending final disbetical list of code members) is amended Supplement R-I, R-II, and § 326.23 (General prices; for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set position of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 326.5 (Alphaforth and hereby made a part hereof. thereto 326.6 (Numerical adding

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applica-

ceedings Instituted Pursuant to section 4 II (d) of the Bituminous Goal Act of 1937. (45) days from the date of this Order, pursuant to Rules and Regulations Govtemporary relief herein granted may be filed with the Division within forty-five erning Fractice and Frocedure before Coal Division in Prostay, terminate, or modify the Bituminous tions to

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: July 10, 1941.

Acting Director. DAN H. WHEBLER, [SEAL]

TEMPORARY AND CONDITIONALLY FIRM EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6 Norr: The material in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, HIVER, AND EX-RIVER

§ 326.5 Alphabetical list of code members—Supplement R-I

(Alphabetical list of code members having raliway leading facilities, chowing pries elactification by clas group Nea.)

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	Mine namo	Amold M Crr.3 Crett (Haw).
	Cods member	Amsid Co., Inc., J. J Cress Crest Ceal Co. (J. C. Jehnesn).
rqoz	il onlla on	E.

*Prices and classifications critibilities herein for Mino Index No. 114 are applicable only to unwarhed east, teaded through the tipple of the Louice Coal Corporation of Louice, Weet Vinjaia.

§ 326.6 Numerical list of mines—Supplement R-II

the Add ဗ Refer to § 326.6 in Part 326, Minimum Price Schedule for District No. following:

Rattroad	P. & W. V. P. & W. V.	
Freight origin group No.	50	
Codo member	•	
Mino name	Cross Creek (Raw)	
Mino index No.	283 283	

Base stres	dt

Prices for Mine Index Numbers 7, 20, 24 and 26 shown in §§ 326.7 and 326.8 in Part 326, Minimum Price Schedule for District No. 6 apply to Mine Index Numbers 114

General prices; for subment into all market areas—Supplement T

TRUCK

(Raw) and 205

\$ 326.23

(Prices in cents per not ten for shipments into all market areas)

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	3", 4", 5" lump	C.S	뛇뛇
	6" lump	H	275
	Seam		Pgh. 8 Pgh. 8
	.o.M. zəbni e	yıı	1138
	Mino		Arnold #7. Cross Greek (Raw)
	Code member index		Arnold Co., Inc., J. J. (J. O. Johnson)

*Prices established herein for Mino Index No. 114 are applicable only to unwached coal, loaded through the tipple of the Louics Coal Corporation at Louics, West Virginia.

e B [F. R. Doc. 41-5103; Filed, July 21, 1041; 10:37

been flied with the Division in the above-entitled matter; and It appearing that this action is neces-sary in order to effectuate the purposes No petitions of intervention having

SCHEDULE,

327-Minimum Price [Docket No. A-916] DISTRICT No. 7

PART

GRANTING TEMPORARY RELIEF AND

Conditionally providing for pinal re-LIEF IN THE MATTEN OF THE PETITION OF DISTRICT BOARD 7 FOR THE ESTABLISH-MINIMIDEL PRICES FOR THE COALS OF CER-

CLAESTFICATIONS AND

OF PRICE

TAIN MINES IN DISTRICT 110, 7

It is ordered, That, pending final disof the Act;

position of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 327.11 (Low volatile coals: Alphabetical list of code members) is amended by adding thereto Supplement R, and § 327.34 (General prices in cents per net ton for slipment thereto Supplement T, which supplements are hereinafter set forth and into any market area) is amended by hereby made a part hereof. adding

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifica-

tions and minimum prices for the coals

ing of necessity has been made for the of certain mines in District No. 7; and It appearing that a reasonable show-

granting of temporary relief in the man-nor hereinafter set forth; and

It is further ordered, That pleadings In opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: July 10, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R

Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown

Mine index No.	Code member	Mine name	Subdist. No.	Low volatile	Freight ori- gin group No.		_			clas ze gi					
atio			gng	seam	E E	1	2	3	4	5	6	7	8	9	10
503	Atwell, J. H. (Atwell Coal Co.)	Pine Ridge	4	War Creek	30	(†)	(†)	(t)	(t)	(†)	E	D	(†)	(†)	(1)
520 725 726	Crouse, T. R. Gibson, L. C. Holley, J. N.	Crouse Helena Coney Island #2	444	Edge Davy-Sewell Davy-Sewell	20 30 30	##	(H) (H) (H) (H) (H) (H) (H) (H) (H) (H)	#	(#)	999	B B B	B B B	#	(H) (H)	(#)

tindicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 General prices in cents per net ton for shipment into any market area— Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index Mine Index No.	Mine	Sub-dist. No.	County	Seam	All lump 34" or larger, all egg and stove	All nut or pea 134" top size or smaller	⇔ Screened M/R	Straight mine run	on 134" screenings	9 %" screenings
Burns, C. L	Helena	2 4 4	Raleigh McDowell McDowell	Big Eagle Davy-Sewell Davy-Sewell			280 280 280	215 215 215		150

[F. R. Doc. 41-5199; Filed, July 21, 1941; 10:37 a. m.]

IDocket No. A-9061

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the aboveentitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 328.11 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 328.34 (General prices for high volatile coals) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: July 9, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

Now: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and Supplements thereto. TEMPORARY AND CONDITIONALLY FINAL BEFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 Alphabetical list of code members—Supplement R

[Alphabotical list of codo members having rallway loading sacilities, showing price classifications by size groups for all uses except as separately shown]

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•Thee size groups proviously classified, findicates no classifications effective for these size groups,

§ 328,34 General prices for high volatile coals—Supplement T—Continued [Prices in conts per net ton for shipment into all market areas]

FOR TRUCK SHIPMENTS
§ 328.34 General prices for high volatile coals—Supplement T
[Price in cents per not ton for shipment into all market areas]

§ 328.34 General prices for high volatile coals—Supplement T—Continued

				Baco sizes							
Code member index	Mine	Mine index No.	Scam	ver 2"	Lump 2" and under, en 3" x 6"	Lump 34" and under	Eng"x4", coe 2"x 6"	Stove 3" and under, nut 2" and under	Stralght mino run	2" and under, elack	36" and under, clack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 8—WILLIAMSON											
PIKE COUNTY, KY.											
May, Jeff	Jeff May	715	Pond Creek	245	225	22:	210	200	215	100	125
MINGO COUNTY, W. VA.											
Lando Coal Corporation, c/o H. L.	Lando	C34	Thacker	245	223	210	330	195	200	125	139
Thompson. Napier, Ivan	Napiers Coal Co.	633	Winifredo	275	2:3	200	20	ಯ	210	193	100
WAYNE COUNTY, W. VA.											
Smith, Charley	Lincoln Block Coal Sales.	685	Lincoln Block	245	223	283	210	183	10:	145	143

IF. R. Doc. 41-5200: Filed. July 21, 1941; 10:38 n. m.1

[Docket Nos. A-927 and A-930] PART 331-MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANT-ING TEMPORARY RELIEF AND CONDITION-ALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 11; AND IN THE MATTER OF THE PETI-TION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 11

Original petitions having been duly filed with this Division by the abovenamed party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced for truck and rail shipment by certain mines in District No. 11, which coals have not heretofore been so classified and priced; and

The Acting Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth;

No petitions of intervention having been filed with this Division in the aboveentitled matters: and

The Acting Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (Alphabetical list of code members) is amended by adding thereto Supplement R and § 331.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Certain mines in District No. 11 1 listed in the original petition in Docket No. A-930 were not included in the attached truck supplement designated as Supplement T for the reason that prices for these mines and for the coals of these mines have previously been established in prior proceedings before the Division.

It is further ordered. That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall be otherwise ordered.

Dated: July 12, 1941.

[SEAL]

DAM H. WHEELER. Acting Director.

²The following mines were emitted from the attached truck schedule designated as Supplement T:

Name of code member	Successor to—name	Mine in-
Big Feur Ceal Co. (now partnership). Bigho, Frank & Co. Everiy, Raiph Ceal Co. F. L. & S. Ceal Co. Freeman Fourth Vein Ceal Co. Lovelers & Colvin. Meno, Roy O. & Arthur.	Big Four Coal Co Peter Schaeffer Ralph Everly Schauwecker Coal Co Oak Hill Coal Co Roy Loveless Wright & Grigsby	757 1183 562 273 263 861 845

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and Supplements thereto.

FOR ALL SHIPMERITS EXCEPT TRUCK

§ 331.5 Alphabetical list of code members—Supplement R

Mine index No.	Namo of ecdo member	Mico	Scam	Sub- dist.	Freight origin group No.	Price group
:23 :23	Freeman Fourth Vein Coal Company (Earl Rich). ¹ South Linton Coal Co. ²	Freeman 4th Veln	IV IV	LS LS	ez co	13 13

FOR TRUCK SHIPMENTS

§ 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Prices and size group Nos.	6 6 7 8 9 11, 13 14 15 16 17 18, 21 22 23 24 25 26 27 28, 30 31 33 34		216 210 170 176 170 165 135 125 70 40 10 10 170 170 165 135 125 70 40 10 170 170 170 170 170 170 170 170 170	250 245 216 216 105 185 165 155 110 80		225 220 180 185 176 170 160 140 85 65	.225 220 180 185 175 170 150 140 85 55
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			88	285		245 240	240
	- 71		888	270			0 242
	-	<u> </u>	220	275		250	250
	Scam		ကက	10		10	ŭ
	Mino		110 Becch III Vein	1286 Jackson	,	13i Brinksneaker	132 Evans
	Mine index No.				•		
	Codo momber indox	CLAY COUNTY	Boech Coal Company (Jiles Dunean)	Forguson, Noblo.	Perry County	Ettherland, Everett A	Вуанв, Буогой

[F. R. Doc. 41-5201; Filed, July 21, 1941; 10:38 a. m.]

[Docket No. A-786]
ART 333—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 13

ORDER GRANTING FURTHER TEMPORARY RELIEF
AND CONDITIONALLY PROVIDING FOR FINAL
RELIEF IN THE MATTER OF THE PETITION OF
DISTRICT BOARD 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUNY PRICES FOR COALS PRODUCED FOR BALL
AND TRUCK SHIPMENTS BY CERTAIN MINES
IN DISTRICT NO. 13, WHICH COALS HAVE NOT
HERETOFORE BEEN CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13 not heretofore classified and priced, including the Wilson Mine, Mine Index No. 509, of The River Valley Cahaba Coal Company; and

Temporary and conditionally final relief having been granted by the Director's Order in the above-entitled matter, dated April 19, 1941, in the manner set forth in the Supplements marked Supplements R-I, R-II, T-I, and T-II, which supplements were annexed to said Order and made a part thereof; and

Additional temporary and conditionally final relief having been granted by the Director's Order in the above-entitled matter, dated May 22, 1941, in the manner set forth in Supplements A and B; which supplements were annexed to said Order and made a part thereof; and

The Wilson Mine, Mine Index No. 509, of The River Valley Cahaba Coal Company having been omitted from said Schedules for the reason that a Freight Origin Group number could not be assigned due to the fact that sufficient in-

formation had not then been received regarding the rail shipping point, and such information having been subsequently received and the Director deeming such information sufficient to permit such assignment; and

The Director finding that a reasonable showing of the necessity for temporary relief has been made, pending final disposition of the above-entitled matter; and The Director deeming his action, as hereinafter set forth, necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the petition in the above-entitled matter, further temporary relief be, and it hereby is, granted as follows: Commencing forthwith § 333.6 (General prices) is amended by adding thereto Supplement R-I, and § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, and the coals referred

to in the aforementioned supplements, hereinafter set forth and made a part hereof, shall be subject to minimum prices as provided therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order unless the Director shall otherwise order.

Dated: June 17, 1941. [SEAL] H. A. GRAY, Director

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MUVIMUM PRICES FOR DISTRICT NO. 13

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 General prices—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunks fuel and blacksmithing]

Mine index No.	Code member	Mine	Eub- district No.	Ecam	Freight erigin group	
509	SHELBY COUNTY, ALA. River Valley Cahaba Coal Coal	Wilson	1	Nunnally	ສ	

I This mine shall have the same prices in size groups 1, 2, 6, 17, 18 and 24 on all price tables as listed for mine with

Index Number 38.

This mine shall have the same prices in size groups 8 and 10 on all price tables as listed forming with Index Number 63.

This mine shall have a price in size groups 7, 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 17 and 18, respectively, for mine with Index Number 63.

This mine shall have a price in size groups 9 and 11 on all price tables, 10¢ under the prices listed in size groups 8 and 10, respectively, for mine with Index Number 63.

§ 333.7 Special prices—(a) Prices for shipment to all railroads—Supplement R-II [Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads]

Mine index No.	Code member	Mine	Sub- district No.	Ecom	Freight engin group	
509	SHELBY COUNTY, ALA. River Valley Cahaba Coal Co	Wilson	1	Nunnally	ន	

¹ This mine shall have the same prices for all sizes customarily furnished railreads for Lemmetive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc.

[F. R. Doc. 41-5202; Filed, July 21, 1941; 10:38 a. m.]

TITLE 32—NATIONAL DEFENSE CHAPTER VI—SELECTIVE SERVICE SYSTEM 1

[No. 17]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in a DSS form:

Revision of DSS Form 156, effective fifteen (15) days after the filing hereof with the Division of the Federal Register. The supply of original DSS Form 156 on hand will be used until exhausted.

The foregoing revision shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One of the Selective Service Regulations.

> LEWIS B. HERSHEY, Deputy Director.

JULY 19, 1941.

[F. R. Doc. 41-5216; Filed, July 21, 1941; 12:17 p. m.]

No. 142-

[Camp Regulations-Amendment No. 1] AMENDING THE REGULATIONS SO AS TO PROVIDE FOR TRANSFER FROM CLASS IV-E TO CLASS I-A OR CLASS I-A-O

By virtue of the authority vested in me by the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, and by Executive Order of the President, dated February 6, 1941, (Executive Order No. 8675) I hereby amend, effective fifteen (15) days after the filing of this amendment with the Division of the Federal Register, the Camp Regulations,1 by deleting subparagraph a of paragraph 21 and by substituting therefor the following:

21. Transfers and releases. a. No assignee shall be transferred from one camp to another, except upon the written authority and direction of the Chief of the Camp Operations Division.

In the event an assignee desires to have his local board change his classification to Class I-A or Class I-A-O, he shall mail a written request for such change in classification to the Camp Operations Division, National Headquarters, Selective Service System, Washington, D. C., and at the same time mail or deliver a duplicate request to his Camp Director. Such request need not be in any particular form but the letter requesting change in classification shall contain the following information: assignee's name, residence address at the time of assignment, order number, local board number and location, and the name of the camp to which he is assigned. The Camp Director is not required to approve or disapprove any such request for a change in classification but, if he sees fit, may submit a report concerning the assignee to the Camp Operations Division.

Such assignee shall retain his status as an assignee unless and until his classification is changed by his local board and until he has received an Order to Report for Induction (Form 150) or Order for Transferred Man to Report for Induction (Form 156), together with a letter of instruction from the Camp Operations Division. (Transportation will be furnished the assignee to his own local board or to a board of transfer for induction.)

The period of time an assignee has been engaged in work of national importance under civilian direction will not reduce his period of training and service upon induction into the land or naval forces following a change in classification.

> LEWIS B. HERSHEY, Deputy Director.

JULY 17, 1941,

[F. R. Doc. 41-5217; Filed, July 21, 1941; 12:17 p. m.]

CHAPTER IX-OFFICE OF PRODUC-TION MANAGEMENT

SUBCHAPTER B-PRIORITIES DIVISION

PART 931-DEFENSE SUPPLIES RATING ORDER

Supplementary Order P-6-a Assigning a Preference Rating of A-10 to Deliveries of Civil Aircraft, Repair Parts and Accessories

§ 931.2 Supplementary order assigning a preference rating of A-10 to deliveries of civil aircraft, repair parts and accessories. (a) For the purposes of Part 931-Defense Supplies Rating Order (Priorities Division Order No. P-62), deliveries of Civil Aircraft and repair parts and accessories for such Aircraft, by the producer thereof, to persons purchasing the same for use in the following activities, or to dealers who will dispose of such Aircraft, repair parts or accessories, to persons purchasing the same for use in such activities, are hereby assigned a preference rating of A-10:

- (1) Civilian Pilot Training Program Schools.
- (2) Airline Instrument Training Schools.
- (3) Other Schools Approved by the Civil Aeronautics Administration.
 - (4) Home Guard Units.
 - (5) Pipe Line Patrol.

¹ Formerly Chapter VII—Selective Service

System. 25 F. R. 3779.

¹6 F.R. 2001.

²6 P.R. 2716.

- (6) State and City Police.
- (7) Power Line Patrol.
- (8) Patrol Activities by or for the Account of Any Governmental Agency.
 - (9) Experimental Projects Approved by the Civil Aeronautics Administration.
 - (b) This Order shall take effect on the 21st day of July 1941, and, unless sooner revoked, shall expire on the 31st day of December 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress)

Issued this 21st day of July 1941.

E. R. STETTINIUS, Jr., Director of Priorities.

[F. R. Doc. 41-5221; Filed, July 22, 1941; 9:37 a. m.]

[Preference Rating Order No. P-20] PART 956-MATERIALS ENTERING INTO THE CONSTRUCTION OF SPECIFIED LOCOMOTIVES

- § 956.1 Preference rating order. For the purpose of facilitating the acquisition of Material for the production of Defense Products a preference rating is hereby assigned to deliveries to the abovenamed Producer and to deliveries to his Suppliers, upon the following terms:
- (a) Definitions. (1) "Producer" means the specific person to whom this Order is addressed above.
- (2) "Defense Products" means the following locomotives to be produced by the Producer:

No.	Туре	Pro- ducer's job No.	Sched- uled deliv- ery date	Purchaser
	,			

- (3) "Supplier" means any person with whom a contract or order has been placed for delivery, to the Producer or to another Supplier, of Material which will enter directly or indirectly, at any stage, into the production of the Defense Products.
- (4) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.
- (b) Assignment of preference rating. Preference Rating A-3 is hereby assigned to deliveries of all Material which will enter directly or indirectly, at any stage, into the production by the Producer of the Defense Products.
- (c) Persons entitled to apply preference rating. The preference rating hereby assigned may be applied by:
 - (1) The Producer;
- (2) Any Supplier who has been furnished with a signed copy of this Order

- in the manner specified in paragraph | (d).
- (d) Application of preference rating. The Producer, or any Supplier who has been so furnished with a signed copy of this Order, in order to apply the preference rating to deliveries to him must:
- (1) Execute a copy of this Order by signing the acceptance at the end thereof, and file such signed copy with the Division of Priorities of the Office of Production Management; and
- (2) Furnish one additional copy of this Order, signed by him in the same manner, to each of his Suppliers with whom he has placed a contract or order for Material to the delivery of which he elects to apply the preference rating. After he has furnished one such copy to a particular Supplier, he need furnish no additional copy to that Supplier to cover any subsequent deliveries of Material which will enter into the production of the Defense Products by the Producer. The Producer, or Supplier who has applied the rating, shall identify subsequent purchase orders which are covered by the rating by specifying thereon the number and serial number of this Order and the preference rating hereby assigned.
- (e) Restrictions on use of rating. The rating shall not be applied:
- (1) Unless the Material to be delivered cannot be secured when required without such rating:
- (2) To obtain deliveries greater in quantity, or on dates earlier, than required for the delivery on schedule of the Defense Products or of Material entering into the Defense Products.
- (f) Reports and information. (1) The Producer, and each Supplier who applies the preference rating hereby assigned, shall keep and preserve for a period of at least two years accurate and complete records and information con-
- (i) All applications of such preference rating, including the kinds, values, quantities and delivery dates of Material covered by each such application, together with the name and address of each Supplier to whose deliveries of Material the rating has been applied.
- (ii) Inventories and stocks on hand of Material of the kind covered by each application of the rating.
- (iii) Contracts and orders on his books. including delivery schedules, for Defense Products or for Material which will enter directly or indirectly, at any stage, into the production of Defense Products.
- (2) The Producer, and each Supplier who applies the preference rating, shall file reports containing such information concerning the matters specified in paragraph (e) (1), above, and concerning any other pertinent matters, with the Division of Priorities, Office of Production Management, as shall from time to time be required by said Division. Until

- further order, such information shall be furnished to the Division of Priorities by the Producer and by each such Supplier, to the extent, in the form and at the times specified in Exhibit A attached hereto.
- (3) The Producer and each Supplier who applies the preference rating, shall submit from time to time to an audit and inspection by representatives of the Division of Priorities concerning the matters specified in paragraph (e) (1) above.
- (g) Use of higher preference ratings. If any delivery entitled to be rated under this Order is assigned a higher preference rating by an individual preference rating certificate or by any other order issued by the Director of Priorities, the Producer or Supplier may use the higher rating instead of the rating assigned by this Order.
- (h) False statements. Any person who wilfully falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited by the Director of Priorities from receiving further deliveries of any Material subject to allocation by the Director of Priorities, and the Director of Priorities may also take any other action deemed appropriate, including a recommendation for prosecution under section 35 of the Criminal Code (18 U.S.C.A. 80).
- (i) Revocation or modification. This Order may be revoked or amended by the Director of Priorities at any time as to the Producer or any Supplier. In the event of revocation, or upon expiration of this Order, deliverles already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating shall be made to any other deliveries by the Producer or Supplier affected by said revocation or expiration.
- (j) Effective Date. This Order shall take effect on the 21 day of July 1941. and unless sooner revoked shall expire on the 30th day of November 1941. (O. P. M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E. O. 8629, Jan. 7, 1941, 6 F.R. 191: sec 2 (a), Public No 671, 76th Congress. sec 9, Public No. 783, 76th Congress.)

Issued this 21 day of July 1941.

E. R. STETTINIUS, Jr., Director of Priorities.

ACCEPTANCE

To be Signed by an Authorized Official of the Producer or Supplier before Applying the Rating Assigned by the Foregoing Order
(Before executing this Acceptance read carefully sections (c), (d), and (o) of the foregoing Order.)

The Producer or Supplier named below hereby accepts the foregoing Order and cortifies to the Director of Priorities of the Office of Production Management that he is entitled to apply the preference rating assigned by the foregoing Order in accordance with its terms.

Dated this _____ day of _____ 1941.

Legal name of producer or supplier. Name and title of authorized individual. (Section 35 of the Criminal Code, 18 U.S.C.A. 80, makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

Additional copies of this Order may be secured from the Division of Priorities, Office of Production Management, Washington, D. C., or photostatic copies may be made and used by persons entitled to apply the preference rating.

Exhibit A

Pursuant to the provisions of paragraph (f) of this Order, the Producer, and any Supplier, who has applied the preference rating assigned herein, shall, on or before the 15th day of each month, file a report with the Division of Priorities of the Office of Production Management on Form PD-64, hereto attached, accompanied by the certification of an authorized official of the Producer or Supplier furnishing the same, as provided hereon.

Instead of filing Form PD-64, the Producer, or any such Supplier, may send to the Division of Priorities, Office of Production Management, on or before the 15th day of each month, copies of all purchase orders for deliveries to which he has applied said preference rating in the preceding month. Such purchase orders shall contain the following information: vendor's name, description, unit quantities, dollar value of the Material ordered, and the delivery dates or the delivery schedule thereof. The purchase orders must be accompanied by the certification of an authorized official of the Producer or Supplier furnishing the same, in the Form set forth for that purpose in Form PD-64A1 hereto attached.

The report or purchase orders shall be mailed to W. A. Summerhays, Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C.

[F. R. Dcc. 41-5222; Filed, July 22, 1941; 9:38 a. m.]

[Preference Rating Order No. P-21]

PART 957—MATERIAL ENTERING INTO THE REPAIR AND REBUILDING OF STEAM, ELEC-TRIC, OR DIESEL LOCOMOTIVES WHETHER FOR RAILROAD, MINING, OR INDUSTRIAL USE

§ 957.1 Preference rating order. In the interest of the defense of the United States, and for the purpose of facilitating the acquisition of Material for the repair or rebuilding of Locomotives, a preference rating is hereby assigned to deliveries to the above-named Repairer and to deliveries to his Suppliers, upon the following terms.

- (a) Definitions
- (1) "Repairer" means the specific person to whom this Order is addressed above.
- (2) "Locomotives" means the following items to be repaired or rebuilt by the Repairer: all steam, electric, and Diesel locomotives whether for railroad, mining, or industrial use.
- (3) "Supplier" means any person with whom a contract or order has been placed for delivery, to the Repairer or to another Supplier, of Material which will enter directly or indirectly, at any stage, into the repair or rebuilding of the Locomotives.
- (4) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.
- (b) Assignment of preference rating. Preference Rating A-3 is hereby assigned to deliveries of all Material which will enter directly or indirectly, at any stage, into the repair or rebuilding by the Repairer of Locomotives.
- (c) Persons entitled to apply preference rating. The preference rating hereby assigned may be applied by:
 - (1) The Repairer.
- (2) Any Supplier who has been furnished with a signed copy of this Order in the manner specified in paragraph (d).
- (d) Application of preference rating. The Repairer, or any Supplier who has been so furnished with a signed copy of this Order, in order to apply the preference rating to deliveries to him must:
- (1) Execute a copy of this Order by signing the acceptance at the end thereof, and file such signed copy with the Division of Priorities of the Office of Production Management; and
- (2) Furnish one additional copy of this Order, signed by him in the same manner, to each of his Suppliers with whom he has placed a contract or purchase order for Material to the delivery of which he elects to apply the preference rating. After he has furnished one such copy to a particular Supplier, he need furnish no additional copy to that Supplier to cover any subsequent deliveries of Material which will enter into the repair or rebuilding of Locomotives by the Repairer. The Repairer, or Supplier who has applied the rating, shall identify subsequent purchase orders which are covered by the rating by specifying thereon the number and serial number of this Order and the preference rating hereby assigned.
- (e) Restrictions on use of rating. The rating shall not be applied:
- (1) Unless the Material to be delivered cannot be secured when required without such rating;
- (2) To obtain deliveries greater in quantity, or on dates earlier, than required for the completion on schedule of

- the repairing or rebuilding of the Locomotives.
- (f) Reports and information. (1) The Repairer, and each Supplier who applies the preference rating hereby assigned, shall keep and preserve for a period of at least two years accurate and complete records and information concerning:
- (i) All applications of such preference rating, including the kinds, values, quantities and delivery dates of Material covered by each such application, together with the name and address of each Supplier to whose deliveries of Material the rating has been applied.

(ii) Inventories and stocks on hand of Material of the kind covered by each application of the rating.

- (iii) Contracts and purchase orders on his books, including delivery schedules, for repair and rebuilding, or for Material which will enter directly or indirectly at any stage into the repair or rebuilding of Locomotives.
- (2) The Repairer, and each Supplier who applies the preference rating, shall file reports containing such information concerning the matters specified in paragraph (f) (1) above and concerning any other pertinent matters, with the Division of Priorities, Office of Production Management, as shall from time to time be required by said Division. Until further order, such information shall be furnished to the Division of Priorities by the Repairer and by each such Supplier, to the extent, in the form and at the times specified in Exhibit A attached hereto.
- (3) The Repairers, and each Supplier who applies the preference rating, shall submit, from time to time, to an audit and inspection by representatives of the Division of Priorities, concerning the matters specified in paragraph (f) (1) above.
- (g) Use of higher preference ratings. If any delivery entitled to be rated under this Order is assigned a higher preference rating by an individual preference rating certificate or by any other order issued by the Director of Priorities, the Repairer or Supplier may use the higher rating instead of the rating assigned by this Order.
- (h) False statements. Any person who wilfully falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited by the Director of Priorities from receiving further deliveries of any Material subject to allocation by the Director of Priorities, and the Director of Priorities may also take any other action deemed appropriate, including a recommendation for prosecution under section 35 of the Criminal Code (18 U.S.C.A. 80).
- (i) Revocation or modification. This Order may be revoked or amended by the Director of Priorities at any time as to the Repairer or any Supplier. In the event of revocation, or upon expiration

Filed as part of the original document.

of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating shall be made to any other deliveries by the Repairer or Supplier affected by said revocation or expiration.

(i) Effective date. This Order shall take effect on the 21st day of July 1941, and unless sooner revoked shall expire on the 30th day of November 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress, Sec. 9, Public No. 783, 76th Congress.)

Issued this 21st day of July 1941.

E. R. STETTINIUS, Jr., Director of Priorities.

To be Signed by an Authorized Official of

To be Signed by an Authorized Official of the Repairer or Supplier before Applying the Rating Assigned by the Foregoing Order. (Before executing this Acceptance read carefully sections (c), (d), and (e) of the foregoing Order.) The Repairer or Supplier named below hereby accepts the foregoing Order and cer-tifies to the Director of Priorities of the Office of Production Management that he is entitled to apply the preference rating assigned by the foregoing Order in accordance with its terms.

Dated this _____, 194___.

Legal Name of Repairer or Supplier.

Individual.

(Section 35 of the Criminal Code, 18 U.S.C.A. 80, makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.) diction.)

Additional copies of this Order may be secured from the Division of Priorities, Office of Production Management, Washington, D. C., or photostatic copies may be made and used by persons entitled to apply the preference rating.

EXHIBIT A

Pursuant to the provisions of paragraph (f) of this Order, the Repairer, and any Supplier who has applied the preference rating assigned herein, shall, on or before the 15th day of each month, file a report with the Division of Priorities of the Office of Production Management on Form PD-65,1 hereto attached, accompanied by the certification of an authorized official of the Repairer or Supplier furnishing the same, as provided thereon.

Instead of filing Form PD-65, the Repairer, or any such Supplier, may send to the Division of Priorities, Office of Production Management, on or before the 15th day of each month, copies of all purchase orders for deliveries to which he has applied said preference rating in the preceding month. Such purchase orders shall contain the following information: vendor's name, description, unit quantities, dollar value of the Material ordered, and the delivery dates or the delivery schedule thereof. The purchase orders must be accompanied by the certification of an authorized official of the Repairer or Supplier furnishing the same, in the form set forth for that purpose in Form PD-65A1 hereto attached.

The report of purchase orders shall be mailed to W. A. Summerhays, Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C.

[F. R. Doc. 41-5223; Filed, July 22, 1941; 9:37 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER I-GENERAL LAND OFFICE

[Circular No. 1492]

PART 296-CLASSIFICATIONS

NOTATIONS BY REGISTERS OF ADVERSE FIND-INGS AS TO CHARACTER OF LAND

The following section is hereby added to Title 43 of the Code of Federal Regu-. lations, Part 296-Classifications.

Procedure Where Land Is Found Not Suitable for the Classification Reauested

§ 296.14 Action by register, based on rejection of applications. When an application for entry or sale is finally rejected by the General Land Office on the ground that the land is not suitable for disposal under the law under which entry is sought, or it has been determined that it would not be in the public interest to offer the land for sale, the register will note such fact on his records, by a brief notation, such as "Not suitable for homestead," or "Not in public interest to sell," together with the serial number of the case, and reject all subsequent similar applications for the same land, subject to the right of appeal to the Commissioner of the General Land Office. (Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)

> FRED W. JOHNSON, Commissioner.

Approved: July 11, 1941.

W. C. MENDENHALL, Acting Assistant Secretary.

[F. R. Doc. 41-5224; Filed, July 22, 1941; 9:49 a. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER II-CIVILIAN CONSERVA-TION CORPS

PART 203-ENROLLMENT, DISCHARGE, HOS-PITALIZATION; DEATH AND BURIAL OF ENROLLEES 2

§ 203.15 Procurement of supplies.

(b) Advertising for bids. The provisions of Army Regulations and of War Department Procurement Circulars based thereon regarding restricted projects, lumber, technical material and supplies, distribution of invitations to

War Department manufacturing establishments, and supplies for the military service on the Pacific Coast do not apply to the Civilian Conservation Corps. In inviting bids for portable buildings, ECW Specification No. 1, February 20, 1936, will be used. See (d) below for contract forms to be used. See § 203.16 (c) for special instructions governing the purchase of lumber. See § 203.16 (a) for special instructions governing the purchase of subsistence. (50 Stat. 319) [C.C.C. Regs., W.D., Dec. 1, 1937; C 77, July 9, 1941]

· [SEAL]

*

E. S. ADAMS. Major General, The Adjutant General.

[F. R. Doc. 41-5225; Filed, July 22, 1941; 9:49 a. m.]

TITLE 49-TRANSPORTATION AND RAILROADS

CHAPTER I-INTERSTATE COM-MERCE COMMISSION

PART 91-INSPECTION, LOCOMOTIVE

SUBPART A-BOILERS AND APPURTENANCES

§ 91.23 Method of testing flexible staybolts with caps.

(b) When flexible staybolts are provided with a telltale hole not less than three-sixteenths inch nor more than seven thirty-seconds inch in diameter, extending the entire length of the bolt and into the head not less than one third of its diameter, and are opened and tested each time the hydrostatic test is applied, with an electrical or other instrument approved by the Bureau of Locomotive Inspection, that will positively indicate when the telltale holes are open their entire length, the caps will not be required to be removed. When this test is completed, the hydrostatic test must be applied and all staybolts removed which show leakage through the telltale hole.

The inner ends of the telltale holes must be kept closed with a fireproof porous material that will exclude foreign matter and permit leakage of steam or water, if the bolt is broken or fractured, into the telltale hole. When this test is completed the ends of the telltale holes shall be closed with material of different color than that removed and a record kept of colors used.

(Sec. 5, 36 Stat. 914; Sec. 1, 38 Stat. 1192; Sec. 2, 43 Stat. 659; 45 U.S.C. 23, 28; Public No. 467, 76th Congress, 3rd Sess.) [As amended by Order, July 9, 1941]

Note. Order of July 9, 1941, provides that paragraph (b) of this section, as amended, shall become effective on Aug. 1, 1941, and shall continue in force until further order of the Commission.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 41-5218; Filed, July 21, 1941; 8:32 p. m.]

¹ Filed as part of the original document. ² § 203.15 (b) is amended.

Notices

WAR DEPARTMENT.

[Contract No. W 6616B-qm-1: O. I. No. 1-41]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES 1

ARCHITECT-ENGINEER: B E C H T E L-M'CONE-PARSONS CORPORATION, 601 WEST FIFTH STREET, LOS ANGELES, CALIFORNIA

Amount fixed fee: Program A—\$36,-368.00; Program B—\$11,887.00; Program C—\$10,000.00.

Estimated cost of construction project: Program A—\$2,894,700; Program B—\$3,168,930; Program C—Indeterminate at this time.

Type of construction project: Construction of port and general depot facilities, including buildings, docks, railroad sidings, utilities and dredging.

Location: Oakland, California.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7466 2nd Supp.—Storage 140540.067—N the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 18th day of March 1941.

Description of the work. The Architect-Engineer shall perform the necessary services for the construction of Port and General Depot facilities, including buildings, docks, railroad sidings, utilities and dredging, all as is more particularly described in Programs "A", "B" and "C", (hereinafter referred to as "the project"), at Oakland, California, and estimated to cost \$2,894,700.00 for Program "A"; \$3,-168,930.00 for Program "B", and an indeterminate amount at this time for Program "C".

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

- a. For Program A, a fixed fee in the amount of thirty-six thousand three hundred sixty-eight dollars (\$36,368.00) which shall constitute complete compensation for the Architect-Engineer's services in connection with such Program A.
- b. For Program B, an amount of five thousand nine hundred forty-four dollars

(\$5,944.00) upon presentation of the preliminary plans, estimate and report to the Contracting Officer, and an amount of five thousand nine hundred forty-three dollars (\$5,943.00) upon approval of the complete plans, estimate and report to the Contracting Officer or his duly authorized representative.

c. For Program C, an amount of ten thousand dollars (\$10,000.00) upon receipt and acceptance of the preliminary plans, estimate, and report to the Contracting Officer, or his duly authorized representative.

d. Reimbursement for the following expenditures:

Reimbursement under this Article shall include expenditures directly chargeable to the services and work ordered under the terms of this contract.

Method of payment. Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certifled pay rolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

All drawings, specifications, and blue prints are to become the property of the Government.

Changes in scope of project. The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law: Public No. 611—76th Congress, Approved June 13, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5223; Filed, July 22, 1941; 9:50 a. m.]

[Contract No. W 7052 qm-2; O. I. No. 2-41] SUMMARY OF COST-PLUS-A-FINED-FEE-CONSTRUCTION CONTRACT 1

CONTRACTORS: W. A. BECHTEL COMPANY, MACDONALD & HAHN, INC., THE UTAH CON-STRUCTION CO., AND BECHTEL-M'CONE-PARSONS CORPORATION

Fixed-fee: \$127,563.

Additional Optional Fee: \$79,433.

Contract for: Construction of Port Facilities and Quartermaster General Depot. Place: Oakland, California.

Estimated Cost of project: \$3,023,437. Additional Optional Cost: \$3,256,417.

The work and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7465 PI29-77 A 0540-12 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 6th day of June 1941.

Statement of work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government and services, and do all things necessary for the completion of the following work: Construction of Port Facilities and Quartermaster General Depot, at or near Oakland, California, including necessary buildings, temporary structures, utilities and appurtenances thereto all as more generally described in Exhibit "B" attached hereto and made a part hereof, but limited to those items set out under Program I thereof.

It is estimated that the total cost of the construction work covered by this Article will be approximately three milion, twenty-three thousand, four hundred thirty-seven dollars (\$3,023,437) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Contractor's equipment as provided in Article II.

(c) A fixed-fee in the amount of one hundred twenty-seven thousand five hundred sixty-three dollars (\$127,563) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid involces for materials, or other original

Approved by the Under Secretary of War, April 5, 1941.

¹Approved by the Under Secretary of War June 28, 1941.

papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly, upon presentation of proper youchers.

Payment of the fixed-jee. The fixed-fee prescribed in Article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

The performance of optional work. The Government may at its option elect to have the Contractor perform the work and services hereinafter set forth in this Article for the fee and within the time indicated. In the event the option is exercised by the Government, the Contracting Officer shall, by a written order, direct the Contractor to proceed with such work and services, and thereupon the terms and conditions of this Article shall be considered operative and in effect as part of this contract; but not otherwise:

Statement of optional work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of Port Facilities and Quartermaster General Depot at or near Oakland, California, including necessary buildings, temporary structures, utilities and appurtenances thereto, all as more generally described in Exhibit "B" attached hereto and made a part hereof. but limited to those items set out under Program II thereof.

Estimated cost of optional work. It is estimated that the total cost of the optional construction work covered by this Article will be approximately three million, two hundred fifty-six thousand, four hundred seventeen dollars (\$3,256,-417) exclusive of the Contractor's fee.

Fixed-fee for optional work. In consideration for his undertaking under this

Article the Contractor shall receive a fixed-fee in the amount of seventy-nine thousand, four hundred thirty-three dollars (\$79,433) which shall constitute complete compensation for the Contractor's services under this Article, including profit and all general overhead expenses.

This contract is authorized by the following law: Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5229; Filed, July 22, 1941; 9:50 a. m.]

[Supplemental Contract No. A]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE COLLATERAL CONTRACT NO. W 6978 QM-1, DATED NOVEMBER 14, 1940 TO CONTRACT NO. W-ORD-487, DATED NOVEMBER 4, 1940, BETWEEN THE UNITED STATES OF AMERICA AND DAY AND ZIMMERMAN, INC., FOR THE CONSTRUCTION OF A PLANT NEAR BURLINGTON, IOWA (IOWA ORD.)

CONTRACTORS: A. GUTHRIE & CO., INC., 141
EAST 4TH STREET, ST. PAUL, MINNESOTA,
AND AL JOHNSON CONSTRUCTION COMPANY,
608 FOSHAY TOWER, MINNEAPOLIS, MINNESOTA

Estimated cost: Original, \$9,499,032; supplemental, \$3,499,460; cumulative total including prior changes, \$12,998,492.

Fixed fee: Original, \$322,968; supplemental, \$61,555; cumulative total including prior changes, \$384,523.

Supplemental contract for: Increasing capacity of the plant to include an additional bomb, artillery primer assembly loading, and a percussion elements lines, together with facilities for the manufacture of primer cups and anvils for the percussion elements.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. ORD 7660 P29—A 0141-02, the available balance of which is sufficient to cover the cost of same.

This supplemental contract, entered into this 21st day of June 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the construction of a plant for the loading of fixed rounds, shells, bombs, boosters and fuzes near Burlington, Iowa, bearing date of November 14, 1940, and being identified as Contract No. W 6978 qm-1, (hereinafter referred to as the "principal contract").

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner:

1. Change Article I of the principal contract to read as follows:

The construction of a Plant near Burlington, Iowa, for the loading of Fixed-Rounds, Shells, Bombs, Boosters, Percussion Elements, Primers, and Fuzes, that part of the Plant provided for in the original contract having an estimated monthly capacity, based on working * * * hours per month.

All of the above described capacity being hereinafter sometimes referred to as the "original lines". The Plant shall also include the following capacity hereinafter referred to as the "additional lines".

Loading Line capable of loading * * * * bombs, or equivalent explosives capacity, together with necessary fuzes and boosters per month of * * * hours.

Artillery Primer Assembly Loading Line capable of assembling and loading * * * Primes per day.

Percussion Element Line capable of production of * * * percussion elements for artillery primes per day, including facilities for the manufacture of primer cups and anvils therefor.

2. Add to Section 1, Article I of the principal contract, a new paragraph between the second and third paragraphs relating to the estimated cost and completion date for the supplemental work to read as follows:

The estimated cost of the construction work covered by this supplemental contract exclusive of the contractor's fee is \$3,499,460.

3. Delete subparagraph (c) of Section 1, Article I of the principal contract relating to the fixed-fee, and insert in lieu thereof the following paragraph:

A fixed-fee in the amount of \$384,523 which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

4. The principal contract, except as modified and amended by this instrument, shall be and remain in full force and effect.

This supplemental contract is authorized by Public No. 703, 76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5230; Filed, July 22, 1941; 9:51 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1726-FD]

IN THE MATTER OF EDWARDS BROS. COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 8, 1941, pursuant to the provisions of Sections 4 II (j) and 5 (b) of the Bituminous Coal Act

¹6 F.R. 653. ²Approved by the Under Secretary of War June 30, 1941.

of 1937, having been duly filed on May 17, 1941, by Producers Board for District No. 12, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division at the Council Chamber, City Hall, Oskaloosa, Icwa.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.-123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto,

whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (1) That the defendant sold 15 tons or more of mine run coal produced at its Mine No. 297, located in District No. 12, on or about March 29, 1941, to K. E. Smith, Indianola, Iowa, at the price of \$1.70 per net ton f.o.b., the mine, the effective minimum price for such coal being \$2.75 per net ton f.o.b. the mine, as shown by the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments.

(2) That the defendant sold 9090 pounds of mixed coal produced at its mine No. 297, located in District No. 12, on March 26, 1941, to E. Mitchell of Brooklyn, Iowa, at 25 cents per net ton below the effective minimum price for such coal f. o. b. the mine, as shown in the Schedule referred to in (1) hereof.

(3) That in the sale of the coal referred to in (1) and (2) hereof the defendant substituted mine run or standard lump coal for screenings, in violation of Rule 1, section XI of the Marketing Rules and Regulations.

(4) That the defendant failed to maintain accurate sales tickets or other records showing information regarding sales as required by Division Order No. 307, dated December 11, 1940.

Dated: July 21, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-5231; Filed, July 22, 1941; 10:24 a. m.]

[Docket No. 1728-FD]

IN THE MATTER OF JOHNS COAL COMPANY,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 17, 1941, by Producers Board for District No. 12, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a.m. at a hearing room of the Bituminous Coal Division at the Council Chamber, City Hall, Oskaloosa, Iowa.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose

shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Weshington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such pariod, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant sold 350 or more tons of coal of several sizes produced at its Mine No. 351 located in Wapello County, Iowa in District No. 12 from October 1, 1940 to May 10, 1941, to various customers for delivery by truck at various destinations at prices less than the effective minimum prices

established for such coal f. o. b. said mine, as shown by the Schedule of Effective Minimum Prices for District No. 12 for truck shipments.

Dated: July 21, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-5232; Filed, July 22, 1941; , 10:24 a. m.]

[Docket No. 1667-FD]

IN THE MATTER OF NEW DEAL COAL COM-PANY, A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 14, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 24, 1941, by Bituminous Coal Producers Board for District No. 12, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Council Chamber, City Hall, Oskaloosa, Iowa.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto. whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the period between October 1, 1940 and April 1, 1941, the defendant sold and delivered substantial quantities of screenings produced at their mine near Albia. Iowa, to George Pope, of Hamilton, Iowa, at a delivered price of \$1.60 per ton, which is less than the effective minimum price for said coal f. o. b. the mine plus the cost of transportation thereof to the point of delivery. Said coal was shipped by truck and delivered to a railroad ramp at Hamilton, Iowa.

Dated: July 21, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-5233; Filed, July 22, 1941; 10:24 a. m.]

[Docket No. 1676-FD]

IN THE MATTER OF BOYLES COAL COMPANY, A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 14, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 18, 1941, by Bituminous Coal Producers Board for District No. 12, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Council Chamber, City Hall, Oskaloosa, Iowa.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside

at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding, Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be . deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant between October 1, 1940 and April 1, 1940 sold an indeterminate amount of standard lump coal produced at its mine near Centerville, Iowa to numerous customers whose names are unknown, at \$2.50 per ton f. o. b. the mine which was 25¢ per ton less than the effective minimum price for such coal.

Dated: July 21, 1941.

[SEAL] DAN H. WHEELER. Acting Director.

[F. R. Dec. 41-5234; Filed, July 22, 1941; 10:24 a. m.]

[Docket No. 1688-FD]

In the Matter of F. T. Patik (Patik Coal Company), Defendant

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 17, 1941, by Producers Board for District No. 12, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division at the Council Chamber, City Hall, Oskaloosa, Iowa.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

No. 142---5

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Eltuminous Coal Code or rules and regulations thereunder as follows:

(1) That from January 1, 1941, to May 10, 1941, the defendant sold and had delivered by rail to the Oskalossa Coal Co. of Oskalossa, Iowa, or to the Iowa Power and Light Co. of Des Moines, Iowa, 250 or more tons of Industrial Stoker coal or screenings produced at its Mines Nos. 707 and 62 in District No. 12 at the price of \$2.42 per ton delivered to the consumer, the effective minimum delivered price for such coal being \$2.54, or more, per ton as shown by the Schedules of Effective Minimum Prices for District No. 12.

(2) That the defendant allowed an 8% commission to the Oskaloosa Coal Co. on coal purchased by it, the said purchaser not being a registered distributor, and not having a sales agency contract on file with the Division.

(3) That the defendant substituted crushed industrial stoker (Size group No. 9) for screenings (Size group No. 8) in some or all of the sales and deliveries referred to above.

Dated: July 21, 1941.

[SEAL] DAN H. WHEELER,

Acting Director.

[F. R. Doc. 41-5235; Filed, July 22, 1941; 10:25 a. m.]

[Docket No. 1748-FD]

IN THE MATTER OF BEECH GROVE COM-COMPANY, DEPENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 24, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a nearing in respect to the subject matter of such complaint be held on September 19, 1941, at 2 p. m. at a hearing room of the Bituminous Coal Division at Court of Appeals, County Court House. Zanesville. Ohlo.

Court House, Zanesville, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the

Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hareby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the month of October 1940 the defendant sold approximately 820 tons of 1½" nut and slack produced at its Beech Grove Mine (Mine Index No. 11), located in Guernsey County, Ohio, District No. 4, to the Timken Roller Bearing Company at Columbus, Ohio, at a price of \$1.55 per ton f. o. b. the mine for rail delivery,

whereas the effective minimum price for said coal was \$1.70 per ton f. o. b. the mine for coal delivered by rail to Columbus, Ohio, as set forth in the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck.

Dated: July 21, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-5236; Filed; July 22, 1941; 10:25 a. m.]

[Docket No. 1749-FD]

IN THE MATTER OF KATHERINE HOFF-MASTER, D. B. A. HOFFMASTER COAL COM-PANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 17, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 24, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 3, 1941, at 2 p. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Youngstown, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the

Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the months of January and February, 1941, the defendant sold approximately 380 tons of 3" plus lump coal, approximately 300 tons of mine run coal, and approximately 305 tons of 3" plus x O coal, produced at her mine (Mine Index No. 2507), located in Mahoning County, Ohio, District No. 4, for shipment via truck at the following prices: 3" plus lump coal at \$2.50 per ton f. o. b. the mine, mine run coal at \$2.30 per ton f. o. b. the mine, and 3" plus x O coal at a price in part of \$1.25 per ton and in other parts of \$1.00 per ton f. o. b. the mine, whereas the effective minimum prices were: for 3" plus lump coal, \$2.90 per ton f. o. b. the mine; for mine run coal, \$2.35 per ton f. o. b. the mine; and for 3" plus x O coal, \$2.35 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for Truck Shipment for District No. 4.

Dated: July 21, 1941.

[SEAL] DAN H. WHEELER,

Acting Director.

[F. R. Doc. 41-5237; Filed, July 22, 1941; 10:25 a. m.]

[Docket No. A-958]

PETITION OF DISTRICT BOARD NO. 17 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS PRODUCED IN SUBDISTRICT NO. 10 IN DISTRICT NO. 17, FOR SHIPMENT BY RAIL INTO ALL MARKET AREAS, AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE FOR THE COALS OF THE SIZE 58" x 14" PRODUCED IN SUBDISTRICT NO. 18 IN THAT DISTRICT, FOR SHIPMENT BY TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 11, 1941, at 10 o'clock in the forencon of that day, at a hearing room of the Bituminous Coal Division, in the Grand Jury Room, Post Office Building, Denver, Colorado.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 6, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petition.

The matter concerned herewith is in regard to the petition of District Board No. 17 for: (1) the establishment of minimum prices for the coals produced in Subdistrict No. 10 (New Mexico No. 2) in District No. 17 for shipment by rail from the railhead at Carisbrook, New Mexico into all market areas, and requesting that those prices be the same as the effective minimum prices for the coals produced at the Sugarite Mine (Mine Index No. 76) in Subdistrict No. 9 in that District, for such shipments; and (2) the establishment of a minimum price for the coals in size %" x 4" produced in Subdistrict No. 18 (Rifle-New Castle) in that District, for truck shipments, and requesting that that price be the same as the effective minimum price for the coals in Size Group 13 produced in that Subdistrict, for such shipments.

Dated: July 21, 1941.

[SEAL] DAN H. WHEELER,

Acting Director.

[F. R. Doc. 41-5238; Filed, July 22, 1941; 10:26 a. m.]

[Docket No. A-947]

PETITION OF BIG BEND COLLIERIES, INC., ET AL., FOR THE ESTABLISHMENT OF EF-FECTIVE MINIMUM PRICES FOR SUBSTAND-ARD COALS PRODUCED FROM THE BRAZIL BLOCK VEIN IN DISTRICT NO. 11

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties:

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 20, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises. and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 15, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered herein, may con-

cern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of ______interveners or

otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Big Bend Collieries, Inc., Mine Index No. 7; Birch Creek Coal Company, Incorporated, Mine Index No. 8; Maumee Collieries Company, Mine Index No. 68; Ray Morgan (F. C. Morgan Coal Company), Mine Index No. 16; Dixon Block Coal Company, Incorporated, Mine Index No. 30; G & F Coal Corporation, Mine Index No. 84: and Mariah Hill Super Block Coal Company, Incorporated, for an amendment of the present Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck so as to include therein the following price exception:

The effective minimum prices established for the Brazil Block Vein coals may be reduced by not more than the amounts shown below where such coals are soft and shelly, or soft, shelly, and stained. All orders, acknowledgments, and invoices shall contain a complete description of such substandard coal.

^aThese reductions will not be applicable to shipments made during the months of April to August, inclusive.

Dated: July 21, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5239; Filed, July 22, 1941; 10:26 a. m.]

[Docket No. A-961]

PETITION OF BITUMINOUS COAL PRODUCERS
BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY AND PERMANERT
ORDER ESTABLISHING MINIMUM ONLINE RAILWAY LOCOMOTIVE FUEL PRICES
FOR COAL PRODUCED IN DISTRICT NO. 8
BY ISLAND CREEK COAL COMPANY MINES
NOS. 15 AND 16

NOTICE OF AND ORDER FOR HEARING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act and the rules and regulations of the Division, on August 28, 1941, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Record Section in

Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 22, 1941.

The matter concerned herewith is in regard to the petition of the Bituminous Coal Producers Board for District No. 8 for preliminary, or temporary and permanent order establishing minimum prices for the coals produced by Island Creek Coal Company mines Nos. 15 and 16 for on-line railway locomotive fuel as set forth on page 43 of the Schedule of Effective Minimum Prices for District No. 8, for all Shipments Except Truck.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the originial petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, and supplementing the Schedule of Effective Minimum Prices for District No. 8, for all Shipments Except Truck, the coals referred to in the schedule marked "Temporary

Supplement," annexed hereto and made a part hereof, shall be subject to minimum prices as provided in said schedule.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: July 15, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 41-5240; Filed, July 22, 1941; 10:26 a. m.]

[Docket No. 1716-FD]

In the Matter of John F. Kenney, Doing Business as Buffalo & Freeport Coal Company, Registered Distributor, Registration No. 5026, Respondent

NOTICE OF AND ORDER FOR HEARING

- 1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine
- (a) whether or not John F. Kenney, doing business as Buffalo & Freeport Coal Company, Registered Distributor, Registration No. 5026, whose address is 522 White Building, Buffalo, New York, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributors Agreement (the "Agreement") executed August 8, 1940, by the respondent, pursuant to Order of the Bituminous Coal Division dated June 19, 1940, in General Docket No. 12; and
- (b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties imposed:

and for said purposes gives notice that information in possession of the Division is to the effect that:

2. During the period from October 23, 1940 to February 27, 1941, the respondent purchased 65 cars of coal from Costanzo Coal Mining Company, Wheeling, West Virginia, at a discount from the established minimum price of 17¢ per ton and sold 56 cars of said coal to T. F. Kenney Coal & Coke Company. The respondent, John F. Kenney is the son of the Josephine Kenney, doing business as T. F. Kenney Coal & Coke Company, a retailer, and respondent is still on the payroll of the T. F. Kenney Coal & Coke Company, and for six years preceding the time that minimum prices became effective, was the manager of the T. F. Kenney Coal & Coke Company; that respondent secured, accepted and retained from Costanzo Coal Mining Company, Wheeling, West Virginia, a

distributor's discount of 17¢ per ton on the said 56 cars of coal resold to T. F. Kenney Coal & Coke Company, and that respondent, at the time he received above distributor's discount, was under the control, financially or otherwise, of T. F. Kenney Coal & Coke Company, in violation of paragraph (d) of the Agreement; the acceptance of said discounts where no service of value was rendered to the code member vendor, but was primarily for the purpose of unjustly enriching the respondent, was in violation of paragraph (g) of the Agreement; and the acceptance of said discounts on coal resold to a person who owned or financially or otherwise controlled respondent was in violation of paragraph (h) of the Agreement.

- 3. The respondent has failed to furnish or cause to be furnished to the Bituminous Coal Division copies of all invoices and other information concerning the sale and distribution of coal mentioned in paragraph (2) hereof, in violation of paragraph (f) of the Agreement.
- 4. The respondent in his application for registration with the Bituminous Coal Division as a distributor of bituminous coal, dated August 8, 1940, as described in paragraph (1) hereof, failed to state as required on page 5 and 6 of said application that he was affiliated with T. F. Kenney Coal & Coke Company, and the failure to state this material fact was in violation of paragraph (f) of the Agreement.
- 5. The respondent, during the period referred to in paragraph (2) hereof, accepted a discount from the Costanzo Coal Mining Company of 17¢ per ton on 56 cars of coal purchased by respondent for resale to T. F. Kenney Coal & Coke Company, who owns respondent or financially or otherwise controls respondent, and the Division has not determined that such ownership or control is bona fide, which was in violation of Section (h) of the Agreement and Section 304.19 (c) of the Rules and Regulations for the Registration of Distributors,

It is therefore ordered, That a hearing pursuant to Section 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on August 22, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division at Court Room No. 4, New Federal Building, Pittsburgh, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, mem-

oranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned Hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field, offices of the Division within ten (10) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein many concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: July 18, 1941.

[SEAL]

DAN H. WHEELER, Acting Director,

[F. R. Doc. 41-5241; Filed, July 22, 1941; 10:26 a. m.]

[Docket No. 1541-FD]

IN THE MATTER OF THE WYATT COAL COM-PANY, REGISTERED DISTRIBUTOR, REGIS-TRATION NO. 9906, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been previously scheduled for hearing on July 22, 1941, a the Daniel Boone Hotel, Charleston, West Virginia, and the Acting Director deeming it necessary that such hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of July 22, 1941, until 10 o'clock in the forenoon of August 22, 1941, at Charleston, West Virginia, at a hearing room to be hereafter designated by an appropriate order of the Director, and before the officers previously designated to preside at said hearing.

Dated: July 21, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-5242; Filed, July 22, 1941; 10:27 a. m.]

[Docket No. A-227]

PETITION OF TRUAX-TRAER COAL COMPANY AND UNITED ELECTRIC COAL COMPANIES ON BEHALF OF THEMSELVES AND CERTAIN RETAIL DEALERS IN THE CHICAGO AREA REQUESTING FREE ALONGSIDE PRICES FOR THE RETAIL DEALERS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The above-entitled matter having been reopened for the purpose of a limited hearing before Charles O. Fowler, the duly designated Trial Examiner, on July 21, 1941, at 10 a.m., at a hearing room of the Bituminous Coal Division, Washington, D. C., and

Intervener District Board No. 11 having moved that said hearing be postponed for a period of at least ten days, and having shown good cause why such a postponement should be ordered;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from July 21, 1941, at 10 a.m., until August 7, 1941, at 10 a.m., at the place and before the officers heretofore designated.

It is further ordered, That the time for filing petitions of intervention in the above-entitled matter be, and it hereby is, extended until August 1, 1941.

Dated: July 18, 1941.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 41-5243; Filed, July 22, 1941; 10:27 a. m.]

[Docket No. 1557-FD]

IN THE MATTER OF BECKLEY FIRE CREEK COAL COMPANY, CODE MEMBER, DE-FENDANT

ORDER CANCELLING HEARING

A hearing in the above-entitled matter having been heretofore scheduled for 10 a. m. on July 22, 1941, at the Daniel Boone Hotel, Charleston, West Virginia; and

An order having been entered, dated July 18, 1941, revoking and cancelling the code membership of the defendant pursuant to the stipulation of the defendant, dated July 16, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is, hereby cancelled.

Dated: July 21, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Dcc. 41-5244; Filed, July 22, 1941; 10:27 a. m.]

[Docket Nos. A-924, A-924, Part II]

PETITIONS OF DISTRICT BOARD NO. 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFI-CATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 295 IN DISTRICT NO. 22, FOR TRUCK SHIP- MENTS AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS FOR TRUCK SHIPMENTS, PRODUCED AT MINE INDEX NO. 299, AND FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN OTHER MINES IN DISTRICT NO. 22, FOR ALL SHIPMENTS

MEMORANDUM OPINION AND ORDER GRANT-ING TEMPORARY RELIEF, SEVERING DOCKET NO. A-924 PART II AND NOTICE OF AND ORDER FOR HEARING

An original petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division by the abovenamed party, proposing the establishment of price classifications and minimum prices for the coals of certain mines, for truck shipment, in District No. 22, and the revision of the effective price classifications and minimum prices for the coals of certain other mines, for all shipments, in that District. The petition alleges that Sam Di Pasquale, a code member in District No. 22, formerly operated Grove Creek Mine, Mine Index No. 138, and is now operating an adjacent mine, Grove Creek Mine No. 2, Mine Index No. 299; that the coals of Mine Index No. 299 are produced from the same seam of coal as those formerly produced at Mine Index No. 138; but that, owing to the effect of transportation methods upon competitive opportunities and to the competitive relationship between coal and natural gas at Belfry, Montana, in Market Area No. 213, the price classifications and minimum prices to be established For Truck Shipments of the coals of Mine Index No. 299 in Size Group 2 should be 25 cents per net ton less than those established for the Size Group 2 coals formerly produced at Mine Index No. 138. The petition does not allege sufficient facts regarding transportation methods and competing natural gas to support the establishment of the minimum prices requested for the Size Group 2 coals of Mine Index No. 299, and the official records of the Division indicate that those coals should be priced and classified similarly to the coals of other mines in Subdistrict No. 2 of District No. 22. Moreover, while the petition does not expressly request the establishment of minimum prices for the coals of Mine Index No. 299 in other size groups, it appears from the petition that such other coals should be priced and classified similarly to those of other mines in Subdistrict No. 2 of District No. 22.

Now, therefore, it is ordered, That the portion of Docket No. A-924 relating to Mine Index No. 299 and to the proposed revision of the price classifications and minimum prices for the coals produced at other mines in District No. 22, be severed from the remainder of that docket and be designated hereafter as Docket No. A-924, Part II; and

It is further ordered, That, a reasonable showing of necessity therefor having been made, pending final disposition of the matter in Docket No. A-924, Part II, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 22 for All Shipments is revised so as to include the following minimum prices in cents per ton for the coals, for shipment by truck, produced at the Grove Creek No. 2 Mine Index No. 299) of Sam Di Pasquale, a code member in Subdistrict No. 2 of District No. 22:

Size groups______ 1 2 3 5 7 8 9 10 11 12 Price______ 400 375 400 350 250 250 150 110 95 75

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act.

It is further ordered, That a hearing in Docket No. A-924, Part II, under the applicable provisions of said Act and the rules of the Division be held on August 18, 1941, at 10 o'clock in the forencon of that day, at a hearing room of the Bituminous Coal Division, at the Billings Commercial Club, Billings, Montana.

It is further ordered, That D. C. Mc-Curtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence,

require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons and entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter in Docket No. A-924, Part II, and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petition herein.

The matter concerned herewith is in regard to the petition of District Board No. 22 for the establishment of price classifications and minimum prices for the coals produced at Mine Index No. 299 for truck shipments, and for the revision of the effective price classifications and minimum prices for certain coals produced at certain mines in District No. 22, as hereinafter set forth:

In Subdistrict 3:

Mine Index No. 132 operated by Burn F. Conner and Helmer Hovik, Mine Index No. 139 operated by R. H. Draper, and Mine Index No. 183 operated by Ambrose W. Kubica—In Size Groups Nos. 1, 2, and 5, from \$2.50 to \$2.25 per net ton; and

In Subdistrict 12:

Mine Index No. 134 operated by Marc Culleton, Mine Index No. 178 operated by Kingston Bros., Mine Index No. 205 operated by Fred K. Johnson, Mine Index No. 246 operated by Daniel Slezak, and Mine Index No. 282 operated by David A. Stokes—In Size Group No. 2, from \$6.00 to \$5.00 per net ton.

Dated: July 21, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5245; Filed, July 22, 1941; 10:28 a. m.]

[Docket No. 1555-FD]

IN THE MATTER OF ISAAC MAGGARD, DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed on February 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 8, complainant, with the Bituminous Coal Division, alleging wilful violation by Isaac Maggard, a code member, the defendant, of the Bituminous Coal Code or Rules and Regulations thereunder, as follows:

That the defendant, with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District No. 8 for Truck Shipments and with intent to violate the same, and in violation thereof, did sell, between October 1940 and February 1941, 300 tons 1½" lump coal (Size Group 2) produced

by the defendant at his mine (Mine Index No. 1249) located at Whitesburg, Letcher County, Kentucky, at prices between \$1 and \$1.25 per net ton f. o. b. the mine; the effective minimum price established for such coal being \$2.55 per net ton f. o. b. the mine;

Pursuant to an Order of the Director and after notice to all interested persons, a public hearing having been held in this matter on April 3, 1941, at a hearing room of the Division, Big Stone Gap, Virginia;

At the conclusion of the hearing, all parties having joined in waiving preparation and filing of the report by the Examiner; and

A record of the proceeding having been submitted to the Acting Director, and the Acting Director having made Findings of Fact, Conclusions of Law and rendered an Opinion:

It is ordered, That the defendant, Isaac Maggard, his officers, representatives, servants, agents, employees and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and are hereby permanently enjoined and restrained from selling or offering to sell coal below the effective minimum price; from violating the Bituminous Coal Act; the Bituminous Coal Code; the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment; and the Marketing Rules and Regulations.

It is further ordered, That for failure of the defendant to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any Circuit wherein such defendant carries on business, or the United States Circuit Court for the District of Columbia for the enforcement of this Order.

Dated: July 21, 1941.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 41-5246; Filed, July 22, 1941; 10:28 a. m.]

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 6144]

NOTICE RELATIVE TO THE CITY OF CAMDEN (WCAM)

Application dated April 17, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Camden, New Jersey.

Operating assignment specified: Frequency, 1,310 kc.; power, 500 w.; hours of operation, S-WCAP. Requests facilities of WTNJ.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with Radio Industries Broadcast Company, WCAP, (B1-MI-1070, Docket No. 6145) and (B1-R-181, Docket No. 5778); The City of Camden, WCAM,

(B1-R-168, Docket No. 5361); WOAX, Incorporated, WTNJ, (B1-R-186, Docket No. 5893) and B1-P-2959, Docket No. 5951); and WDAS Broadcasting Station, Inc., WDAS (B2-P-3115, Docket No. 6049), said hearing to be held in the offices of the Commission, Washington, D. C., on July 25, 1941, at ten o'clock a. m. for the following reason:

1. To determine whether public interest, convenience and necessity will be served by the assignment of the time now used by Station WTNJ to Stations WCAM and WCAP.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The City of Camden, Radio Station WCAM, City Hall, % E. G. C. Bleakly, City Counsel, Legal Department, Camden, New Jersey.

Dated at Washington, D. C., July 17, 1941.

By the Commission.

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 41-5252; Filed, July 22, 1941; 11:21 a. m.]

[Docket No. 6145]

Notice Relative to Radio Industries Broadcast Co. (WCAP)

Application dated April 10, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Asbury Park, New Jersey; operating assignment specified: Frequency, 1,310 kc.; power, 500 w.; hours of operation, S-WCAM, requests facilities of WTNJ.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with The City of Camden, WCAM, (B1-ML-1069, Docket No. 6144) and (B1-R-168, Docket No. 5361); Radio Industries Broadcast Co. WCAP, (B1-R-181, Docket No. 5778); WOAX, Inc., WTNJ, (B1-R-186, Docket No. 5951); and WDAS Broadcasting Station, Inc., WDAS, (B2-P-3115, Docket No. 6049), said hearing to be held in the offices of the Commission, Washington, D. C., on July 25, 1941 at ten o'clock a. m., for the following reason:

1. To determine whether public interest, convenience and necessity will be served by the assignment of the time now used by Station WTNJ to Stations WCAM and WCAP.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Radio Industries Broadcast Co., Radio Station WCAP, Convention Hall, Boardwalk, Asbury Park, New Jersey.

Dated at Washington, D. C., July 17, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 41-5253; Filed, July 22, 1941; 11:21 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4232]

IN THE MATTER OF LAMBERT PHARMACAL COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Charles A. Vilas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, July 30, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial ex-

aminer is directed to preceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Oris B. Johnson, Secretary.

[F. R. Doc. 41-5247; Filed, July 22, 1941; 10:39 a. m.]

[Docket No. 4463]

IN THE MATTER OF JEDDO-HIGHLAND COAL COMPANY, A CORPORATION; EASTERN COAL AND OIL COMPANY, A CORPORATION; SAYLES & FRENCH, INC., A CORPORATION; ATLANTIC COAL COMPANY, A CORPORA-TION

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TES-TIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, August 6, 1941, at nine o'clock in the forencon of that day (eastern standard time) in the Director's Room, Providence Chamber of Commerce, Providence, Rhode Island.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-5248; Filed, July 22, 1941; 10:39 a, m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-354]

IN THE MATTER OF THE MARION-RESERVE POWER COMPANY AND UTILITY SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of July, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filled with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than August 7, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notifled if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be adressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Marion-Reserve Power Company, a subsidiary of Utility Service Company, a registered holding company, proposes:

(a) to issue to Utility Service Company 330,000 shares of its common stock having a par value of \$5 per share in exchange for 33,000 shares of its common stock having a par value of \$20 per share and representing all of the presently outstanding common stock of The Marion-Reserve Power Company;

(b) to retire and cancel the 33,000 shares of such common stock so to be acquired by it;

(c) to alter the voting rights of its \$5 preferred stock by increasing the vote per share from one to ten votes per share; and

(d) to transfer to capital (1) the sum of \$910,100 from its capital surplus account and (2) the sum of \$79,900 from its earned surplus account;

Utility Service Company proposes:

(a) to acquire the aforesaid 330,000 shares of the common stock of The Marion-Reserve Power Company in exchange for the aforesaid 33,000 shares of such common stock; and

(b) to surrender for retirement and cancellation the aforesaid 33,000 shares of the common stock of The Marion-Reserve Power Company.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-5257; Filed, July 22, 1941; 11:39 a. m.]

[File No. 70-349]

In the Matter of Northern States Power COMPANY (MINNESOTA), NORTHERN STATES POWER COMPANY (NEW JERSEY), AND SOUTH DAKOTA PUBLIC SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than August 7, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rule U-100 thereof. Any such request

should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized

Northern States Power Company, a Minnesota corporation and a registered holding company in the Standard Gas & Electric Company holding company system, proposes to sell certain electric properties located in Lincoln County, South Dakota, to South Dakota Public Service Company which is a subsidiary of Sioux City Gas and Electric Company, a registered holding company, for the sum of \$5,000.

Northern States Power Company, a New Jersey corporation which is a wholly owned subsidiary of Northern States Power Company (Minnesota), proposes to sell certain electric properties located in Lyon County and Sioux County, Iowa, to South Dakota Public Service Company for the sum of \$40,000.

As and when the above mentioned transactions have been consummated and after South Dakota Public Service Company has completed construction of a transmission line which will supply electricity from its own facilities to the properties which it will acquire as indicated above. Northern States Power Company (New Jersey) proposes to dismantle its substation in the town of Inwood, Lyon County, and its 33,000 volt electric transmission line extending from the Inwood substation to the South Dakota State line. It will then sell the net salvage of these electric facilities to its parent Northern States Power Company (Minnesota) for the sum of \$11,520. It will also dispose of the land on which the Inwood substation is presently located.

Northern States Power Company (Minnesota) will thereupon surrender to Northern States Power Company (New Jersey) for cancellation all of the capital stock of the latter company presently issued and outstanding in exchange for all of its cash and other net assets. Northern States Power Company (New Jersey) will then be dissolved forthwith in accordance with the laws of the State

of New Jersey.

Applicants and declarants have designated sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-44 promulgated thereunder as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-5258; Filed, July 22, 1941; 11:39 a. m.]